

**As Introduced**

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

**S. B. No. 173**

**Senator Hughes**

**Cosponsors: Senators Seitz, Uecker, Schiavoni**

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**A B I L L**

To amend section 4301.171 of the Revised Code to 1  
modify the law governing the sale of spirituous 2  
liquor tasting samples at an agency store. 3

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

**Section 1.** That section 4301.171 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 4301.171.** (A) As used in this section: 6

(1) "Agency store" includes an area that is immediately 7  
adjacent to an agency store if beer and other intoxicating liquor 8  
are sold in the area and if the area and the agency store are 9  
located on the same premises. 10

(2) "Broker" and "solicitor" have the same meanings as in 11  
rules adopted by the superintendent of liquor control under 12  
section 4303.25 of the Revised Code. 13

~~(2)~~(3) "Tasting sample" means a small amount of spirituous 14  
liquor that is provided in a serving of not more than a quarter 15  
ounce of spirituous liquor and, if provided, not more than one 16  
ounce of nonalcoholic mixer to an authorized purchaser and that 17  
allows the purchaser to determine, by tasting only, the quality 18

and character of the beverage. 19

~~(3)~~(4) "Trade marketing company" means a company that 20  
solicits the purchase of beer and intoxicating liquor and educates 21  
the public about beer and intoxicating liquor. 22

~~(4)~~(5) "Trade marketing professional" means an individual who 23  
is an employee of, or is under contract with, a trade marketing 24  
company and who has successfully completed a training program 25  
described in section 4301.253 of the Revised Code. 26

(B) Notwithstanding section 4301.24 of the Revised Code, an 27  
agency store to which a D-8 permit has been issued may allow a 28  
trade marketing professional, broker, or solicitor to offer for 29  
sale tasting samples of spirituous liquor when conducted in 30  
accordance with this section. A tasting sample shall not be sold 31  
for the purpose of general consumption. 32

(C) Tasting samples of spirituous liquor may be offered for 33  
sale at an agency store by a trade marketing professional, broker, 34  
or solicitor if all of the following apply: 35

(1) The tasting samples are sold ~~only~~ in the area of the 36  
agency store ~~in which spirituous liquor is sold and that area~~ that 37  
is open to the public. 38

(2) The tasting samples are sold only by the trade marketing 39  
professional, broker, or solicitor. 40

(3) The spirituous liquor is registered under division (A)(8) 41  
of section 4301.10 of the Revised Code. 42

(4) Not less than ~~five~~ ten business days prior to the sale, 43  
the trade marketing professional, broker, or solicitor has 44  
provided written notice to the division of liquor control of the 45  
date and time of the sampling, and of the type and brand of 46  
spirituous liquor to be sampled at the agency store. 47

(D) A sale of tasting samples of spirituous liquor is subject 48

to rules adopted by the superintendent of liquor control or the 49  
liquor control commission. 50

(E) An offering for sale of tasting samples of spirituous 51  
liquor shall be limited to a period of not more than two hours. 52

(F) For purposes of offering for sale tasting samples of 53  
spirituous liquor, ~~an a trade marketing professional, broker, or~~ 54  
~~solicitor shall purchase the spirituous liquor from the~~ 55  
~~agency store shall purchase the spirituous liquor~~ at the current retail 56  
price. An authorized purchaser shall be charged not less than 57  
fifty cents for each tasting sample of spirituous liquor. ~~However,~~ 58  
~~the aggregate amount charged for the sale of tasting samples shall~~ 59  
~~be sufficient to cover the wholesale price of the spirituous~~ 60  
~~liquor being tasted as that price is fixed under division (B)(4)~~ 61  
~~of section 4301.10 of the Revised Code. Of the amount collected~~ 62  
~~from the sale of tasting samples of spirituous liquor, the trade~~ 63  
~~marketing professional, broker, or solicitor shall reimburse the~~ 64  
~~agency store for the amount of the retail price of the spirituous~~ 65  
~~liquor.~~ When the sale of tasting samples of spirituous liquor at 66  
an agency store is completed, any bottles of spirituous liquor 67  
used to provide tasting samples that are not empty shall be marked 68  
as "sample" and removed from the agency store by the trade 69  
marketing professional, broker, or solicitor, as applicable. 70

(G) No trade marketing professional, broker, or solicitor 71  
shall do any of the following: 72

(1) Advertise the offering for sale of tasting samples of 73  
spirituous liquor other than at the agency store where the tasting 74  
samples will be offered; 75

(2) Solicit orders or make sales of tasting samples of 76  
spirituous liquor for quantities greater than those specified in 77  
division (G)(3) of this section; 78

(3) Allow any authorized purchaser to consume more than four 79

tasting samples of spirituous liquor per day. 80

(H) The purchase of a tasting sample of spirituous liquor 81  
shall not be contingent upon the purchase of any other product 82  
from an agency store. 83

(I) No employee of an agency store that allows the sale of 84  
tasting samples of spirituous liquor shall purchase or consume a 85  
tasting sample while on duty. 86

(J) If an employee of an agency store that allows the sale of 87  
tasting samples of spirituous liquor consumes a tasting sample of 88  
spirituous liquor, the employee shall not perform the employee's 89  
duties and responsibilities at the agency store on the day the 90  
tasting sample is consumed. 91

(K) No person under twenty-one years of age shall consume a 92  
tasting sample of spirituous liquor. 93

(L) Not more than ~~five~~ three events at which the sale of 94  
tasting samples of spirituous liquor are offered shall occur at an 95  
agency store in a calendar ~~month~~ week provided that: 96

(1) Not more than two events shall occur in the same day; and 97

(2) There is not less than one hour between the end of one 98  
event and the beginning of the next event. 99

(M) No trade marketing professional, trade marketing company, 100  
broker, solicitor, owner or operator of an agency store, or an 101  
agent or employee of the owner or operator shall violate this 102  
section or any rules adopted by the superintendent or the 103  
commission for the purposes of this section. 104

**Section 2.** That existing section 4301.171 of the Revised Code 105  
is hereby repealed. 106