



Jeff Grim

## *Bill Analysis*

*Legislative Service Commission*

### **Sub. S.B. 102** 127th General Assembly (As Reported by S. Agriculture)

**Sen. Schuler**

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#### **BILL SUMMARY**

- Creates an F-8 liquor permit, and authorizes the permit to be issued to certain nonprofit organizations to allow the sale of beer and intoxicating liquor at specific events that occur on public spaces that the organizations manage.

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#### **CONTENT AND OPERATION**

The bill authorizes the Division of Liquor Control to issue an F-8 liquor permit to a not-for-profit organization that manages, for the benefit of the public and by contract with a political subdivision of Ohio, publicly owned property to sell beer or intoxicating liquor<sup>1</sup> by the individual drink at specific events conducted on the publicly owned property and appurtenant streets, but only if, and then only at times at which, the sale of beer and intoxicating liquor on the premises is otherwise permitted by law. Additionally, an F-8 liquor permit may be issued only if the publicly owned property is located in a county that has a population of between 750,000 and 900,000 on the bill's effective date. The premises on which an F-8 permit will be used must be clearly defined and sufficiently restricted to allow proper supervision of the permit's use by state and local law enforcement officers. (Sec. 4303.208(A)(1) and (2).)

The bill requires sales under an F-8 liquor permit to be confined to the same hours that are permitted to the holder of a D-3 liquor permit, which allows retail sales until 1 a.m. (sec. 4303.208(A)(2)). The bill prohibits any F-8 liquor permit holder from selling beer or intoxicating liquor beyond the hours of sale allowed by the permit. The bill imposes strict liability on the holder of an F-8 liquor permit and on any officer, agent, or employee of that permit holder. (Sec. 4303.208(C).)

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<sup>1</sup> Intoxicating liquor is wine, mixed beverages, and spirituous liquor. "Spirituous liquor" is defined to include all intoxicating liquors containing more than 21% of alcohol by volume (sec. 4301.01(B)(5), not in the bill).

A person who violates the prohibition is guilty of a misdemeanor of the fourth degree (sec. 4303.99(D)).

The fee for the issuance of an F-8 liquor permit is \$1,000. An F-8 liquor permit is effective for a period not to exceed nine months specified in the permit. An F-8 liquor permit is not transferable or renewable. However, the holder of an F-8 liquor permit may apply for a new F-8 liquor permit at any time. An F-8 liquor permit is not effective until any F-8 liquor permit currently held expires. The holder of an F-8 liquor permit must make sales only at those specific events about which the permit holder has notified in advance the Division, the Department of Public Safety, and the chief, sheriff, or other principal peace officer of the local law enforcement agencies having jurisdiction over the premises. (Sec. 4303.208(A)(3).)

The bill states that an application for the issuance of an F-8 liquor permit is subject to the notice and hearing requirements established under current law for the issuance of C and D liquor permits (sec. 4303.208(B)(1)). Under those requirements, when a person applies for a permit, the Division must notify the legislative authority and the chief peace officer of the municipal corporation if the business or event is located wholly or partly within a municipal corporation or the clerk of the board of county commissioners and the fiscal officer of the board of township trustees and the chief peace officer of the county or township if the business or event is located wholly or partly within the unincorporated territory of a county. In addition, if the business or event is to be operated within 500 feet of a school, church, library, public playground, or township park, the Division must notify the authorities in control of the school, church, library, public playground, or township park. The notice must provide each such official or authority an opportunity for a complete hearing on the advisability of the issuance of the permit. A request for a hearing must be made no later than 30 days from the time of notification. Upon receiving such a request, the Division, in an adjudication conducted under the Administrative Procedure Act, must determine whether the permit is to be issued to the applicant. The applicant and the official or authority that requested the hearing are parties to the adjudication. In the hearing, no objection to the issuance of the permit can be based on noncompliance of the proposed permit premises with local zoning regulations that prohibit the sale of beer or intoxicating liquor, in an area zoned for commercial or industrial uses, for permit premises that would otherwise qualify for a proper permit issued by the Division. (Sec. 4303.26(A), not in the bill.)

The Liquor Control Commission must adopt rules under the Administrative Procedure Act that are necessary to administer the bill's provisions governing the issuance of F-8 liquor permits (sec. 4303.208(B)(2)).



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## HISTORY

ACTION	DATE
Introduced	03-08-07
Reported, S. Agriculture	05-02-07

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