

**As Passed by the House**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. Sub. H. B. No. 674**

**Representative Hillyer**

**Cosponsors: Representatives Callender, Carruthers, Crossman, Galonski,  
Holmes, A., Lang, Leland, Miller, J., Reineke, Robinson, Roemer, Rogers, Seitz,  
Upchurch, West**

**A BILL**

To amend sections 3717.22, 3717.42, 4301.03, 1  
4301.171, 4301.22, 4301.24, 4301.322, 4301.33, 2  
4301.332, 4301.333, 4301.334, 4301.35, 4301.351, 3  
4301.353, 4301.354, 4301.355, 4301.356, 4301.36, 4  
4301.361, 4301.364, 4301.365, 4301.366, 4301.37, 5  
4301.403, 4301.404, 4301.82, 4303.021, 4303.15, 6  
4303.171, 4303.181, 4303.184, 4303.19, 4303.202, 7  
4303.205, 4303.30, and 4303.99; to enact new 8  
section 4303.182 and sections 4301.011, 9  
4301.245, 4301.246, 4303.2011, 4303.221, and 10  
4303.222; and to repeal section 4303.182 of the 11  
Revised Code to revise specified provisions of 12  
the liquor control law. 13

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

**Section 1.** That sections 3717.22, 3717.42, 4301.03, 14  
4301.171, 4301.22, 4301.24, 4301.322, 4301.33, 4301.332, 15  
4301.333, 4301.334, 4301.35, 4301.351, 4301.353, 4301.354, 16  
4301.355, 4301.356, 4301.36, 4301.361, 4301.364, 4301.365, 17  
4301.366, 4301.37, 4301.403, 4301.404, 4301.82, 4303.021, 18

4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 4303.202, 19  
4303.205, 4303.30, and 4303.99 be amended and new section 20  
4303.182 and sections 4301.011, 4301.245, 4301.246, 4303.2011, 21  
4303.221, and 4303.222 of the Revised Code be enacted to read as 22  
follows: 23

**Sec. 3717.22.** (A) The following are not retail food 24  
establishments: 25

(1) A food service operation licensed under this chapter, 26  
including a food service operation that provides the services of 27  
a retail food establishment pursuant to an endorsement issued 28  
under section 3717.44 of the Revised Code; 29

(2) An entity exempt under divisions (B) (1) to (9) ~~or,~~ 30  
(11) to (13), or (15) of section 3717.42 of the Revised Code 31  
from the requirement to be licensed as a food service operation 32  
and an entity exempt under division (B) (10) of that section if 33  
the entity is regulated by the department of agriculture as a 34  
food processing establishment under section 3715.021 of the 35  
Revised Code; 36

(3) A business or that portion of a business that is 37  
regulated by the federal government or the department of 38  
agriculture as a food manufacturing or food processing business, 39  
including a business or that portion of a business regulated by 40  
the department of agriculture under Chapter 911., 913., 915., 41  
917., 918., or 925. of the Revised Code. 42

(B) All of the following are exempt from the requirement 43  
to be licensed as a retail food establishment: 44

(1) An establishment with commercially prepackaged foods 45  
that are not potentially hazardous and contained in displays, 46  
the total space of which equals less than two hundred cubic 47

feet; 48

(2) A person at a farmers market that is registered with 49  
the director of agriculture pursuant to section 3717.221 of the 50  
Revised Code that offers for sale only one or more of the 51  
following: 52

(a) Fresh unprocessed fruits or vegetables; 53

(b) Products of a cottage food production operation; 54

(c) Tree syrup, sorghum, honey, apple syrup, or apple 55  
butter that is produced by a tree syrup or sorghum producer, 56  
beekeeper, or apple syrup or apple butter processor described in 57  
division (A) of section 3715.021 of the Revised Code; 58

(d) Wine as authorized under section 4303.2010 of the 59  
Revised Code; 60

(e) Commercially prepackaged food that is not potentially 61  
hazardous, on the condition that the food is contained in 62  
displays, the total space of which equals less than one hundred 63  
cubic feet on the premises where the person conducts business at 64  
the farmers market. 65

(3) A person who offers for sale at a roadside stand only 66  
fresh fruits and fresh vegetables that are unprocessed; 67

(4) A nonprofit organization exempt from federal income 68  
taxation under section 501(c)(3) of the "Internal Revenue Code 69  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 70  
funds by selling foods and that, if required to be licensed, 71  
would be classified as risk level one in accordance with rules 72  
establishing licensing categories for retail food establishments 73  
adopted under section 3717.33 of the Revised Code, if the sales 74  
occur inside a building and are for not more than seven 75

consecutive days or more than fifty-two separate days during a 76  
licensing period. This exemption extends to any individual or 77  
group raising all of its funds during the time periods specified 78  
in division (B) (4) of this section for the benefit of the 79  
nonprofit organization by selling foods under the same 80  
conditions. 81

(5) An establishment that offers food contained in 82  
displays of less than five hundred square feet, and if required 83  
to be licensed would be classified as risk level one pursuant to 84  
rules establishing licensing categories for retail food 85  
establishments adopted under section 3717.33 of the Revised 86  
Code, on the condition that the establishment offers the food 87  
for sale at retail not more than six months in each calendar 88  
year; 89

(6) A cottage food production operation, on the condition 90  
that the operation offers its products directly to the consumer 91  
from the site where the products are produced; 92

(7) A tree syrup and sorghum processor, beekeeper, or 93  
apple syrup and apple butter processor described in division (A) 94  
of section 3715.021 of the Revised Code, on the condition that 95  
the processor or beekeeper offers only tree syrup, sorghum, 96  
honey, apple syrup, or apple butter directly to the consumer 97  
from the site where those products are processed; 98

(8) A person who annually maintains five hundred or fewer 99  
birds, on the condition that the person offers the eggs from 100  
those birds directly to the consumer from the location where the 101  
eggs are produced or at a farm product auction to which division 102  
(B) (11) of this section applies; 103

(9) A person who annually raises and slaughters one 104

thousand or fewer chickens, on the condition that the person 105  
offers dressed chickens directly to the consumer from the 106  
location where the chickens are raised and slaughtered or at a 107  
farm product auction to which division (B) (11) of this section 108  
applies; 109

(10) A person who raises, slaughters, and processes the 110  
meat of nonamenable species described in divisions (A) and (B) 111  
of section 918.12 of the Revised Code, on the condition that the 112  
person offers the meat directly to the consumer from the 113  
location where the meat is processed or at a farm product 114  
auction to which division (B) (11) of this section applies; 115

(11) A farm product auction, on the condition that it is 116  
registered with the director pursuant to section 3717.221 of the 117  
Revised Code that offers for sale at the farm product auction 118  
only one or more of the following: 119

(a) The products described in divisions (B) (8) to (10) of 120  
this section that are produced, raised, slaughtered, or 121  
processed, as appropriate, by persons described in divisions (B) 122  
(8) to (10) of this section; 123

(b) Fresh unprocessed fruits or vegetables; 124

(c) Products of a cottage food production operation; 125

(d) Tree syrup, sorghum, honey, apple syrup, or apple 126  
butter that is produced by a tree syrup or sorghum producer, 127  
beekeeper, or apple syrup or apple butter processor described in 128  
division (A) of section 3715.021 of the Revised Code. 129

(12) An establishment that, with respect to offering food 130  
for sale, offers only alcoholic beverages or prepackaged 131  
beverages that are not potentially hazardous; 132

(13) An establishment that, with respect to offering food	133
for sale, offers only alcoholic beverages, prepackaged beverages	134
that are not potentially hazardous, or commercially prepackaged	135
food that is not potentially hazardous, on the condition that	136
the commercially prepackaged food is contained in displays, the	137
total space of which equals less than two hundred cubic feet on	138
the premises of the establishment;	139
(14) An establishment that, with respect to offering food	140
for sale, offers only fountain beverages that are not	141
potentially hazardous;	142
(15) A person who offers for sale only one or more of the	143
following foods at a festival or celebration, on the condition	144
that the festival or celebration is organized by a political	145
subdivision of the state and lasts for a period not longer than	146
seven consecutive days:	147
(a) Fresh unprocessed fruits or vegetables;	148
(b) Products of a cottage food production operation;	149
(c) Tree syrup, sorghum, honey, apple syrup, or apple	150
butter if produced by a tree syrup or sorghum processor,	151
beekeeper, or apple syrup or apple butter processor as described	152
in division (A) of section 3715.021 of the Revised Code;	153
(d) Commercially prepackaged food that is not potentially	154
hazardous, on the condition that the food is contained in	155
displays, the total space of which equals less than one hundred	156
cubic feet;	157
(e) Fruit butter produced at the festival or celebration	158
and sold from the production site.	159
(16) A farm market on the condition that it is registered	160

with the director pursuant to section 3717.221 of the Revised	161
Code that offers for sale at the farm market only one or more of	162
the following:	163
(a) Fresh unprocessed fruits or vegetables;	164
(b) Products of a cottage food production operation;	165
(c) Tree syrup, sorghum, honey, apple syrup, or apple	166
butter that is produced by a tree syrup or sorghum producer,	167
beekeeper, or apple syrup or apple butter processor described in	168
division (A) of section 3715.021 of the Revised Code;	169
(d) Commercially prepackaged food that is not potentially	170
hazardous, on the condition that the food is contained in	171
displays, the total space of which equals less than one hundred	172
cubic feet on the premises where the person conducts business at	173
the farm market;	174
(e) Cider and other juices manufactured on site at the	175
farm market;	176
(f) The products or items described in divisions (B) (8) to	177
(10) of this section, on the condition that those products or	178
items were produced by the person offering to sell them, and	179
further conditioned that, with respect to eggs offered, the	180
person offering to sell them annually maintains five hundred or	181
fewer birds, and with respect to dressed chickens offered, the	182
person annually raises and slaughters one thousand or fewer	183
chickens.	184
(17) (a) An establishment to which all of the following	185
apply:	186
(i) The establishment serves commercially prepackaged food	187
in a form that prevents direct human contact prior to and during	188

service;	189
(ii) Sales of the prepackaged food do not exceed more than	190
five per cent of the total gross receipts of the establishment;	191
(iii) The establishment has been issued an A-2 permit	192
under section 4303.03 or an A-2f permit under section 4303.031	193
of the Revised Code and annually produces ten thousand gallons	194
or less of wine;	195
(b) The owner or operator of the establishment shall	196
notify the director that it is exempt from licensure because it	197
qualifies under division (B) (17) (a) of this section. The owner	198
or operator also shall disclose to customers that the	199
establishment is exempt from licensure.	200
<b>Sec. 3717.42.</b> (A) The following are not food service	201
operations:	202
(1) A retail food establishment licensed under this	203
chapter, including a retail food establishment that provides the	204
services of a food service operation pursuant to an endorsement	205
issued under section 3717.24 of the Revised Code;	206
(2) An entity exempt from the requirement to be licensed	207
as a retail food establishment under division (B) of section	208
3717.22 of the Revised Code;	209
(3) A business or that portion of a business that is	210
regulated by the federal government or the department of	211
agriculture as a food manufacturing or food processing business,	212
including a business or that portion of a business regulated by	213
the department of agriculture under Chapter 911., 913., 915.,	214
917., 918., or 925. of the Revised Code.	215
(B) All of the following are exempt from the requirement	216

to be licensed as a food service operation:	217
(1) A private home in which individuals related by blood,	218
marriage, or law reside and in which the food that is prepared	219
or served is intended only for those individuals and their	220
nonpaying guests;	221
(2) A private home operated as a bed-and-breakfast that	222
prepares and offers food to guests, if the home is owner-	223
occupied, the number of available guest bedrooms does not exceed	224
six, breakfast is the only meal offered, and the number of	225
guests served does not exceed sixteen;	226
(3) A stand operated on the premises of a private home by	227
one or more children under the age of twelve, if the food served	228
is not potentially hazardous;	229
(4) A residential facility that accommodates not more than	230
sixteen residents; is licensed, certified, registered, or	231
otherwise regulated by the federal government or by the state or	232
a political subdivision of the state; and prepares food for or	233
serves food to only the residents of the facility, the staff of	234
the facility, and any nonpaying guests of residents or staff;	235
(5) A church, school, fraternal or veterans' organization,	236
volunteer fire organization, or volunteer emergency medical	237
service organization preparing or serving food intended for	238
individual portion service on its premises for not more than	239
seven consecutive days or not more than fifty-two separate days	240
during a licensing period. This exemption extends to any	241
individual or group raising all of its funds during the time	242
periods specified in division (B) (5) of this section for the	243
benefit of the church, school, or organization by preparing or	244
serving food intended for individual portion service under the	245

same conditions.	246
(6) A common carrier that prepares or serves food, if the carrier is regulated by the federal government;	247 248
(7) A food service operation serving thirteen or fewer individuals daily;	249 250
(8) A type A or type B family day-care home, as defined in section 5104.01 of the Revised Code, that prepares or serves food for the children receiving day-care;	251 252 253
(9) A vending machine location where the only foods dispensed are foods from one or both of the following categories:	254 255 256
(a) Prepackaged foods that are not potentially hazardous;	257
(b) Nuts, panned or wrapped bulk chewing gum, or panned or wrapped bulk candies.	258 259
(10) A place servicing the vending machines at a vending machine location described in division (B)(9) of this section;	260 261
(11) A commissary servicing vending machines that dispense only milk, milk products, or frozen desserts that are under a state or federal inspection and analysis program;	262 263 264
(12) A "controlled location vending machine location," which means a vending machine location at which all of the following apply:	265 266 267
(a) The vending machines dispense only foods that are not potentially hazardous;	268 269
(b) The machines are designed to be filled and maintained in a sanitary manner by untrained persons;	270 271
(c) Minimal protection is necessary to ensure against	272

contamination of food and equipment. 273

(13) A private home that prepares and offers food to 274  
guests, if the home is owner-occupied, meals are served on the 275  
premises of that home, the number of meals served does not 276  
exceed one hundred fifteen per week, and the home displays a 277  
notice in a place conspicuous to all of its guests informing 278  
them that the home is not required to be licensed as a food 279  
service operation; 280

(14) An individual who prepares full meals or meal 281  
components, such as pies or baked goods, in the individual's 282  
home to be served off the premises of that home, if the number 283  
of meals or meal components prepared for that purpose does not 284  
exceed twenty in a seven-day period. 285

(15) The holder of an A-1-A permit issued under section 286  
4303.021 of the Revised Code to which both of the following 287  
apply: 288

(a) The A-1-A permit holder has also been issued an A-1c 289  
permit under section 4303.022 of the Revised Code; 290

(b) The A-1-A permit holder serves only prepackaged meals 291  
and nonalcoholic beverages, as well as beer and intoxicating 292  
liquor. 293

**Sec. 4301.011.** The general assembly hereby finds that the 294  
Twenty-first Amendment to the United States Constitution confers 295  
upon the state of Ohio sole and exclusive authority to regulate 296  
the sale and distribution of beer and intoxicating liquor in 297  
this state. That authority, so conferred, has rested with the 298  
state of Ohio since the ratification of the Twenty-first 299  
Amendment to the United States Constitution. 300

The general assembly also finds that its authority to so 301

regulate is exercised through Title XLIII of the Revised Code 302  
and other relevant provisions of the Revised Code. Title XLIII 303  
of the Revised Code and the other relevant provisions of the 304  
Revised Code reflect the intent of the general assembly to do 305  
all of the following: 306

(A) Promote temperance by preventing consumption by 307  
underage persons and by discouraging abusive consumption; 308

(B) Promote orderly markets by requiring transparent, 309  
accountable, and stable distribution of beer and intoxicating 310  
liquor and preventing unfair competition; 311

(C) Facilitate the collection of taxes related to the sale 312  
and consumption of beer and intoxicating liquor. 313

**Sec. 4301.03.** The liquor control commission may adopt and 314  
promulgate, repeal, rescind, and amend, in the manner required 315  
by this section, rules, standards, requirements, and orders 316  
necessary to carry out this chapter and Chapter 4303. of the 317  
Revised Code, but all rules of the board of liquor control that 318  
were in effect immediately prior to April 17, 1963, shall remain 319  
in full force and effect as rules of the liquor control 320  
commission until and unless amended or repealed by the liquor 321  
control commission. The rules of the commission may include the 322  
following: 323

(A) Rules with reference to applications for and the 324  
issuance of permits for the manufacture, distribution, 325  
transportation, and sale of beer and intoxicating liquor, and 326  
the sale of alcohol; and rules governing the procedure of the 327  
division of liquor control in the suspension, revocation, and 328  
cancellation of those permits; 329

(B) Rules and orders providing in detail for the conduct 330

of any retail business authorized under permits issued pursuant 331  
to this chapter and Chapter 4303. of the Revised Code, with a 332  
view to ensuring compliance with those chapters and laws 333  
relative to them, and the maintenance of public decency, 334  
sobriety, and good order in any place licensed under the 335  
permits. No rule or order shall prohibit the operation of video 336  
lottery terminal games at a commercial race track where live 337  
horse racing and simulcasting are conducted in accordance with 338  
Chapter 3769. of the Revised Code or the sale of lottery tickets 339  
issued pursuant to Chapter 3770. of the Revised Code by any 340  
retail business authorized under permits issued pursuant to that 341  
chapter. 342

No rule or order shall prohibit pari-mutuel wagering on 343  
simulcast horse races at a satellite facility that has been 344  
issued a D liquor permit under Chapter 4303. of the Revised 345  
Code. No rule or order shall prohibit a charitable organization 346  
that holds a D-4 permit from selling or serving beer or 347  
intoxicating liquor under its permit in a portion of its 348  
premises merely because that portion of its premises is used at 349  
other times for the conduct of a bingo game, as described in 350  
division (O) of section 2915.01 of the Revised Code. However, 351  
such an organization shall not sell or serve beer or 352  
intoxicating liquor or permit beer or intoxicating liquor to be 353  
consumed or seen in the same location in its premises where a 354  
bingo game, as described in division (O)(1) of section 2915.01 355  
of the Revised Code, is being conducted while the game is being 356  
conducted. As used in this division, "charitable organization" 357  
has the same meaning as in division (H) of section 2915.01 of 358  
the Revised Code. No rule or order pertaining to visibility into 359  
the premises of a permit holder after the legal hours of sale 360  
shall be adopted or maintained by the commission. 361

(C) Standards, not in conflict with those prescribed by 362  
any law of this state or the United States, to secure the use of 363  
proper ingredients and methods in the manufacture of beer, mixed 364  
beverages, and wine to be sold within this state; 365

(D) Rules determining the nature, form, and capacity of 366  
all packages and bottles to be used for containing beer or 367  
intoxicating liquor, except for spirituous liquor to be kept or 368  
sold, and governing the form of all seals and labels to be used 369  
on those packages and bottles; 370

(E) Rules requiring the label on every package, bottle, 371  
and container to state all of the following, as applicable: 372

(1) The ingredients in the contents; 373

(2) Except for beer, the terms of weight, volume, or proof 374  
spirits; 375

(3) Except for spirituous liquor, whether the product is 376  
beer, wine, alcohol, or any intoxicating liquor; 377

(4) Regarding beer that contains more than twelve per cent 378  
of alcohol by volume, the percentage of alcohol by volume and 379  
that the beer is a "high alcohol beer." 380

(F) Uniform rules governing all advertising with reference 381  
to the sale of beer and intoxicating liquor throughout the state 382  
and advertising upon and in the premises licensed for the sale 383  
of beer or intoxicating liquor; 384

(G) Rules restricting and placing conditions upon the 385  
transfer of permits; 386

(H) Rules and orders limiting the number of permits of any 387  
class within the state or within any political subdivision of 388  
the state; and, for that purpose, adopting reasonable 389

classifications of persons or establishments to which any 390  
authorized class of permits may be issued within any political 391  
subdivision; 392

(I) Rules and orders ~~with reference to sales of beer and~~ 393  
~~intoxicating liquor on Sundays and holidays and with~~ 394  
reference to the hours of the day during which and the persons to whom 395  
intoxicating liquor of any class may be sold, and rules with 396  
reference to the manner of sale; 397

(J) Rules requiring permit holders buying beer to pay and 398  
permit holders selling beer to collect minimum cash deposits for 399  
kegs, cases, bottles, or other returnable containers of the 400  
beer; requiring the repayment, or credit, of the minimum cash 401  
deposit charges upon the return of the empty containers; and 402  
requiring the posting of such form of indemnity or such other 403  
conditions with respect to the charging, collection, and 404  
repayment of minimum cash deposit charges for returnable 405  
containers of beer as are necessary to ensure the return of the 406  
empty containers or the repayment upon that return of the 407  
minimum cash deposits paid; 408

(K) Rules establishing the method by which alcohol 409  
products may be imported for sale by wholesale distributors and 410  
the method by which manufacturers and suppliers may sell alcohol 411  
products to wholesale distributors. 412

Every rule, standard, requirement, or order of the 413  
commission and every repeal, amendment, or rescission of them 414  
shall be posted for public inspection in the principal office of 415  
the commission and the principal office of the division of 416  
liquor control, and a certified copy of them shall be filed in 417  
the office of the secretary of state. An order applying only to 418  
persons named in it shall be served on the persons affected by 419

personal delivery of a certified copy, or by mailing a certified 420  
copy to each person affected by it or, in the case of a 421  
corporation, to any officer or agent of the corporation upon 422  
whom a service of summons may be served in a civil action. The 423  
posting and filing required by this section constitutes 424  
sufficient notice to all persons affected by such rule or order 425  
which is not required to be served. General rules of the 426  
commission promulgated pursuant to this section shall be 427  
published in the manner the commission determines. 428

**Sec. 4301.171.** (A) As used in this section: 429

(1) "Broker" and "solicitor" have the same meanings as in 430  
rules adopted by the superintendent of liquor control under 431  
section 4303.25 of the Revised Code. 432

(2) "Tasting sample" means a small amount of spirituous 433  
liquor that is provided in a serving of not more than a quarter 434  
ounce of spirituous liquor and, if provided, not more than one 435  
ounce of nonalcoholic mixer to an authorized purchaser and that 436  
allows the purchaser to determine, by tasting only, the quality 437  
and character of the beverage. 438

(3) "Trade marketing company" means a company that 439  
solicits the purchase of beer and intoxicating liquor and 440  
educates the public about beer and intoxicating liquor. 441

(4) "Trade marketing professional" means an individual who 442  
is an employee of, or is under contract with, a trade marketing 443  
company and who has successfully completed a training program 444  
described in section 4301.253 of the Revised Code. 445

(B) Notwithstanding section 4301.24 of the Revised Code, 446  
an agency store to which a D-8 permit has been issued may allow 447  
a trade marketing professional, broker, or solicitor to offer 448

for sale tasting samples of spirituous liquor when conducted in 449  
accordance with this section. A tasting sample shall not be sold 450  
for the purpose of general consumption. 451

(C) Tasting samples of spirituous liquor may be offered 452  
for sale at an agency store by a trade marketing professional, 453  
broker, or solicitor if all of the following apply: 454

(1) The tasting samples are sold only in the area of the 455  
agency store in which spirituous liquor is sold and that area is 456  
open to the public. 457

(2) The tasting samples are sold only by the trade 458  
marketing professional, broker, or solicitor. 459

(3) The spirituous liquor is registered under division (A) 460  
(8) of section 4301.10 of the Revised Code. 461

(4) Not less than ten business days prior to the sale, the 462  
trade marketing professional, broker, or solicitor has provided 463  
written notice to the division of liquor control of the date and 464  
time of the sampling, and of the type and brand of spirituous 465  
liquor to be sampled at the agency store. 466

(D) A sale of tasting samples of spirituous liquor is 467  
subject to rules adopted by the superintendent of liquor control 468  
or the liquor control commission. 469

(E) An offering for sale of tasting samples of spirituous 470  
liquor shall be limited to a period of not more than two hours. 471

(F) For purposes of offering for sale tasting samples of 472  
spirituous liquor, a trade marketing professional, broker, or 473  
solicitor shall purchase the spirituous liquor from the agency 474  
store at the current retail price. An authorized purchaser shall 475  
be charged not less than fifty cents for each tasting sample of 476

spirituous liquor. When the sale of tasting samples of 477  
spirituous liquor at an agency store is completed, any bottles 478  
of spirituous liquor used to provide tasting samples that are 479  
not empty shall be marked as "sample" and removed from the 480  
agency store by the trade marketing professional, broker, or 481  
solicitor, as applicable. 482

(G) No trade marketing professional, broker, or solicitor 483  
shall do any of the following: 484

(1) Advertise the offering for sale of tasting samples of 485  
spirituous liquor other than at the agency store where the 486  
tasting samples will be offered or as provided in section 487  
4301.245 of the Revised Code; 488

(2) Solicit orders or make sales of tasting samples of 489  
spirituous liquor for quantities greater than those specified in 490  
division (G) (3) of this section; 491

(3) Allow any authorized purchaser to consume more than 492  
four tasting samples of spirituous liquor per day. 493

(H) The purchase of a tasting sample of spirituous liquor 494  
shall not be contingent upon the purchase of any other product 495  
from an agency store. 496

(I) No employee of an agency store that allows the sale of 497  
tasting samples of spirituous liquor shall purchase or consume a 498  
tasting sample while on duty. 499

(J) If an employee of an agency store that allows the sale 500  
of tasting samples of spirituous liquor consumes a tasting 501  
sample of spirituous liquor, the employee shall not perform the 502  
employee's duties and responsibilities at the agency store on 503  
the day the tasting sample is consumed. 504

(K) No person under twenty-one years of age shall consume	505
a tasting sample of spirituous liquor.	506
(L) Not more than ten events at which the sale of tasting	507
samples of spirituous liquor are offered shall occur at an	508
agency store in a calendar month provided that:	509
(1) Not more than two events shall occur in the same day;	510
and	511
(2) There is not less than one hour between the end of one	512
event and the beginning of the next event.	513
(M) No trade marketing professional, trade marketing	514
company, broker, solicitor, owner or operator of an agency	515
store, or an agent or employee of the owner or operator shall	516
violate this section or any rules adopted by the superintendent	517
or the commission for the purposes of this section.	518
<b>Sec. 4301.22.</b> Sales of beer and intoxicating liquor under	519
all classes of permits and from state liquor stores are subject	520
to the following restrictions, in addition to those imposed by	521
the rules or orders of the division of liquor control:	522
(A) (1) Except as otherwise provided in this chapter, no	523
beer or intoxicating liquor shall be sold to any person under	524
twenty-one years of age.	525
(2) No low-alcohol beverage shall be sold to any person	526
under eighteen years of age. No permit issued by the division	527
shall be suspended, revoked, or canceled because of a violation	528
of division (A) (2) of this section.	529
(3) No intoxicating liquor shall be handled by any person	530
under twenty-one years of age, except that a person eighteen	531
years of age or older employed by a permit holder may handle or	532

sell beer or intoxicating liquor in sealed containers in 533  
connection with wholesale or retail sales, and any person 534  
nineteen years of age or older employed by a permit holder may 535  
handle intoxicating liquor in open containers when acting in the 536  
capacity of a server in a hotel, restaurant, club, or night 537  
club, as defined in division (B) of section 4301.01 of the 538  
Revised Code, or in the premises of a D-7 permit holder. This 539  
section does not authorize persons under twenty-one years of age 540  
to sell intoxicating liquor across a bar. Any person employed by 541  
a permit holder may handle beer or intoxicating liquor in sealed 542  
containers in connection with manufacturing, storage, 543  
warehousing, placement, stocking, bagging, loading, or 544  
unloading, and may handle beer or intoxicating liquor in open 545  
containers in connection with cleaning tables or handling empty 546  
bottles or glasses. 547

(B) No permit holder and no agent or employee of a permit 548  
holder shall sell or furnish beer or intoxicating liquor to an 549  
intoxicated person. 550

(C) No sales of intoxicating liquor shall be made after 551  
two-thirty a.m. on Sunday ~~except under either of the following~~ 552  
~~circumstances:~~ 553

~~(1) Intoxicating liquor may be sold on Sunday under~~ 554  
~~authority of a permit that authorizes Sunday sale.~~ 555

~~(2) Spirituous liquor may be sold on Sunday by any person~~ 556  
~~awarded an agency contract under section 4301.17 of the Revised~~ 557  
~~Code if the sale of spirituous liquor is authorized in the~~ 558  
~~applicable precinct as the result of an election on question (B)~~ 559  
~~(1) or (2) of section 4301.351 of the Revised Code and if the~~ 560  
~~agency contract authorizes the sale of spirituous liquor on~~ 561  
~~Sunday.~~ 562

~~This section does not prevent a municipal corporation from~~ 563  
~~adopting a closing hour for the sale of intoxicating liquor~~ 564  
~~earlier than two thirty a.m. on Sunday or to provide that no~~ 565  
~~intoxicating liquor may be sold prior to that hour on Sunday~~ 566  
by a retail permit holder in a dry precinct or at a dry location, as 567  
those terms are defined in section 4303.182 of the Revised Code. 568

(D) No holder of a permit shall give away any beer or 569  
intoxicating liquor of any kind at any time in connection with 570  
the permit holder's business. However, with the exception of an 571  
A-1-A permit holder that also has been issued an A-2 or A-2f 572  
permit, an A-1-A, A-1c, or D permit holder may provide to a 573  
paying customer not more than a total of four tasting samples of 574  
beer, wine, or spirituous liquor, as authorized by the 575  
applicable permit, in any twenty-four-hour period. The permit 576  
holder shall provide the tasting samples free of charge, at the 577  
permit holder's expense, only to a person who is twenty-one 578  
years of age or older. The person shall consume the tasting 579  
samples on the premises of the permit holder. A distributor is 580  
not responsible for the costs of providing tasting samples 581  
authorized under division (D) of this section. 582

As used in division (D) of this section: 583

(1) "Tasting sample" means one of the following, as 584  
applicable: 585

(a) An amount not to exceed two ounces of beer; 586

(b) An amount not to exceed two ounces of wine; 587

(c) An amount not to exceed a quarter ounce of spirituous 588  
liquor. 589

(2) "D permit holder" means a person that has been issued 590  
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 591

D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, ~~D-6~~, or D-7 permit. 592  
593

(E) Except as otherwise provided in this division, no 594  
retail permit holder shall display or permit the display on the 595  
outside of any licensed retail premises, or on any lot of ground 596  
on which the licensed premises are situated, or on the exterior 597  
of any building of which the licensed premises are a part, any 598  
sign, illustration, or advertisement bearing the name, brand 599  
name, trade name, trade-mark, designation, or other emblem of or 600  
indicating the manufacturer, producer, distributor, place of 601  
manufacture, production, or distribution of any beer or 602  
intoxicating liquor. Signs, illustrations, or advertisements 603  
bearing the name, brand name, trade name, trade-mark, 604  
designation, or other emblem of or indicating the manufacturer, 605  
producer, distributor, place of manufacture, production, or 606  
distribution of beer or intoxicating liquor may be displayed and 607  
permitted to be displayed on the interior or in the show windows 608  
of any licensed premises, if the particular brand or type of 609  
product so advertised is actually available for sale on the 610  
premises at the time of that display. The liquor control 611  
commission shall determine by rule the size and character of 612  
those signs, illustrations, or advertisements. 613

(F) No retail permit holder shall possess on the licensed 614  
premises any barrel or other container from which beer is drawn, 615  
unless there is attached to the spigot or other dispensing 616  
apparatus the name of the manufacturer of the product contained 617  
in the barrel or other container, provided that, if the beer is 618  
served at a bar, the manufacturer's name or brand shall appear 619  
in full view of the purchaser. The commission shall regulate the 620  
size and character of the devices provided for in this section. 621

(G) Except as otherwise provided in this division, no sale 622  
of any gift certificate shall be permitted whereby beer or 623  
intoxicating liquor of any kind is to be exchanged for the 624  
certificate, unless the gift certificate can be exchanged only 625  
for food, and beer or intoxicating liquor, for on-premises 626  
consumption and the value of the beer or intoxicating liquor for 627  
which the certificate can be exchanged does not exceed more than 628  
thirty per cent of the total value of the gift certificate. The 629  
sale of gift certificates for the purchase of beer, wine, or 630  
mixed beverages shall be permitted for the purchase of beer, 631  
wine, or mixed beverages for off-premises consumption. 632  
Limitations on the use of a gift certificate for the purchase of 633  
beer, wine, or mixed beverages for off-premises consumption may 634  
be expressed by clearly stamping or typing on the face of the 635  
certificate that the certificate may not be used for the 636  
purchase of beer, wine, or mixed beverages. 637

**Sec. 4301.24.** (A) Except as provided in ~~section~~ sections 638  
4301.242, 4301.245, and 4301.246 of the Revised Code, no 639  
manufacturer shall aid or assist the holder of any permit for 640  
sale at wholesale, and no manufacturer or wholesale distributor 641  
shall aid or assist the holder of any permit for sale at retail, 642  
by gift or loan of any money or property of any description or 643  
other valuable thing, or by giving premiums or rebates. Except 644  
as provided in ~~section~~ sections 4301.242, 4301.245, and 4301.246 645  
of the Revised Code, no holder of any such permit shall accept 646  
the same, provided that the manufacturer or wholesale 647  
distributor may furnish to a retail permittee the inside signs 648  
or advertising and the tap signs or devices authorized by 649  
divisions (E) and (F) of section 4301.22 of the Revised Code. 650

(B) No manufacturer shall have any financial interest, 651  
directly or indirectly, by stock ownership, or through 652

interlocking directors in a corporation, or otherwise, in the 653  
establishment, maintenance, or promotion in the business of any 654  
wholesale distributor. No retail permit holder shall have any 655  
interest, directly or indirectly, in the operation of, or any 656  
ownership in, the business of any wholesale distributor or 657  
manufacturer. 658

(C) (1) No manufacturer shall, except as authorized by 659  
section 4303.021 of the Revised Code, have any financial 660  
interest, directly or indirectly, by stock ownership, or through 661  
interlocking directors in a corporation, or otherwise, in the 662  
establishment, maintenance, or promotion of the business of any 663  
retail dealer. No wholesale distributor or employee of a 664  
wholesale distributor shall have any financial interest, 665  
directly or indirectly, by stock ownership, interlocking 666  
directors in a corporation, or otherwise, in the establishment, 667  
maintenance, or promotion of the business of any retail dealer. 668  
No manufacturer or wholesale distributor or any stockholder of a 669  
manufacturer or wholesale distributor shall acquire, by 670  
ownership in fee, leasehold, mortgage, or otherwise, directly or 671  
indirectly, any interest in the premises on which the business 672  
of any other person engaged in the business of trafficking in 673  
beer or intoxicating liquor is conducted. 674

(2) All contracts, covenants, conditions, and limitations 675  
whereby any person engaged or proposing to engage in the sale of 676  
beer or intoxicating liquors promises to confine the person's 677  
sales of a particular kind or quality of beer or intoxicating 678  
liquor to one or more products, or the products of a specified 679  
manufacturer or wholesale distributor, or to give preference to 680  
those products, shall to the extent of that promise be void. The 681  
making of a promise in any such form shall be cause for the 682  
revocation or suspension of any permit issued to any party. 683

(D) No manufacturer shall sell or offer to sell to any 684  
wholesale distributor or retail permit holder, no wholesale 685  
distributor shall sell or offer to sell to any retail permit 686  
holder, and no wholesale distributor or retail permit holder 687  
shall purchase or receive from any manufacturer or wholesale 688  
distributor, any beer, brewed beverages, or wine manufactured in 689  
the United States except for cash. No right of action shall 690  
exist to collect any claims for credit extended contrary to this 691  
section. 692

This section does not prohibit a licensee from crediting 693  
to a purchaser the actual prices charged for packages or 694  
containers returned by the original purchaser as a credit on any 695  
sale or from refunding to any purchaser the amount paid by that 696  
purchaser for containers or as a deposit on containers when 697  
title is retained by the vendor, if those containers or packages 698  
have been returned to the manufacturer or distributor. This 699  
section does not prohibit a manufacturer from extending usual 700  
and customary credit for beer, brewed beverages, or wine 701  
manufactured in the United States and sold to customers who live 702  
or maintain places of business outside this state when the 703  
beverages so sold are actually transported and delivered to 704  
points outside this state. 705

No wholesale or retail permit shall be issued to an 706  
applicant unless the applicant has paid in full all accounts for 707  
beer or wine, manufactured in the United States, outstanding as 708  
of September 6, 1939. No beer or wine manufactured in the United 709  
States shall be imported into the state unless the beer or wine 710  
has been paid for in cash, and no supplier registration for any 711  
such beer or wine manufactured in the United States shall be 712  
issued by the division of liquor control until the A-2, A-2f, B- 713  
1, or B-5 permit holder establishes to the satisfaction of the 714

division that the beer or wine has been paid for in cash. 715

(E) This section does not ~~prevent a~~ prohibit any of the 716  
following: 717

(1) A manufacturer from securing and holding any financial 718  
interest, directly or indirectly, by stock ownership or through 719  
interlocking directors in a corporation, or otherwise, in the 720  
establishment, maintenance, or promotion of the business or 721  
premises of any C or D permit holder, provided that the 722  
following conditions are met: 723

~~(1)~~ (a) Either the manufacturer or one of its parent 724  
companies is listed on a national securities exchange. 725

~~(2)~~ (b) All purchases of alcoholic beverages by the C or D 726  
permit holder are made from wholesale distributors in this state 727  
or agency stores licensed by the division of liquor control. 728

~~(3)~~ (c) If the C or D permit holder sells brands of 729  
alcoholic beverages that are produced or distributed by the 730  
manufacturer that holds the financial interest, the C or D 731  
permit holder also sells other competing brands of alcoholic 732  
beverages produced by other manufacturers, no preference is 733  
given to the products of the manufacturer, and there is no 734  
exclusion, in whole or in part, of products sold or offered for 735  
sale by other manufacturers, suppliers, or importers of 736  
alcoholic beverages that constitutes a substantial impairment of 737  
commerce. 738

~~(4)~~ (d) The primary purpose of the C or D permit premises 739  
is a purpose other than to sell alcoholic beverages, and the 740  
sale of other goods and services exceeds fifty per cent of the 741  
total gross receipts of the C or D permit holder at its 742  
premises. 743

~~(F) (1) This section does not prevent a~~ (2) A manufacturer 744  
from giving financial assistance to the holder of a B permit for 745  
the purpose of the holder purchasing an ownership interest in 746  
the business, existing inventory and equipment, or property of 747  
another B permit holder, including, but not limited to, 748  
participation in a limited liability partnership, limited 749  
liability company, or any other legal entity authorized to do 750  
business in this state. However, this 751

~~(2) This section does not permit a manufacturer to give~~ 752  
financial assistance to the holder of a B permit to purchase 753  
inventory or equipment used in the daily operation of a B permit 754  
holder. 755

~~(G) This section does not prohibit a~~ (3) A manufacturer or 756  
subsidiary of a manufacturer from continuing to operate a 757  
wholesale distribution franchise or distribute beer or wine 758  
within a designated territory if prior to ~~the effective date of~~ 759  
~~this amendment~~ July 30, 2013, the manufacturer either acquired 760  
the distribution franchise or territory, or awarded the 761  
franchise or territory to itself or a subsidiary. 762

~~(H) This section shall not prevent a~~ (4) A manufacturer 763  
from securing and holding an A-1c or B-2a permit or permits and 764  
operating as a wholesale distributor pursuant to such permits. 765

(5) A manufacturer from renting or leasing property to the 766  
holder of an F class permit for purposes of an event for which 767  
the F class permit has been issued. 768

**Sec. 4301.245.** (A) As used in this section: 769

(1) "Broker" and "solicitor" have the same meanings as in 770  
rules adopted by the superintendent of liquor control under 771  
section 4303.25 of the Revised Code. 772

(2) "On-premises brand promotion" means a promotion of a brand of beer or intoxicating liquor by a distributor, manufacturer, trade marketing professional, solicitor, or broker of that brand at a retail permit premises. 773  
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776

(3) "Product location communication" means a listing or program that allows an individual to determine the availability of a specific brand of beer or intoxicating liquor at retail permit holders or agency stores in a certain geographic area. 777  
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779  
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(4) "Social media" means a service, platform, or web site where users communicate with one another free of charge and share media such as pictures, videos, music, and blogs. "Social media" includes the web site of a distributor, manufacturer, trade marketing professional, solicitor, or broker. 781  
782  
783  
784  
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(5) "Trade marketing professional" has the same meaning as in section 4301.171 of the Revised Code. 786  
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(B) Notwithstanding section 4301.24 of the Revised Code, a distributor, manufacturer, trade marketing professional, solicitor, or broker may use free services provided by social media to advertise any of the following: 788  
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791

(1) An on-premises brand promotion; 792

(2) Beer, wine, or spirituous liquor tastings sold in accordance with this chapter or Chapter 4303. of the Revised Code; 793  
794  
795

(3) A product location communication. 796

**Sec. 4301.246.** (A) As used in this section: 797

(1) "Case" means twenty-four individual pieces of glassware. 798  
799

- (2) "Glassware" means a glass container to which all of 800  
the following apply: 801
- (a) It has the brand name of a beer or the name of the 802  
manufacturer or supplier of the beer permanently affixed, 803  
embossed, or engraved on the container; 804
- (b) It has the brand name of the beer or the name of the 805  
manufacturer or supplier of the beer prominently displayed on 806  
the container; 807
- (c) It holds not more than twenty-four ounces of liquid. 808
- (3) "Receipt" means a record, either in paper or digital 809  
format, that contains all of the following information: 810
- (a) The name and address of the permit holder authorized 811  
to sell beer for on-premises consumption that receives glassware 812  
from a manufacturer or supplier; 813
- (b) The name and address of the manufacturer or supplier 814  
that provides glassware to the permit holder; 815
- (c) The name of the employee or agent of the permit holder 816  
that receives the glassware; 817
- (d) The date that the glassware is provided to the permit 818  
holder; 819
- (e) The amount, if any, that the manufacturer or supplier 820  
charged the permit holder for the glassware; 821
- (f) The permit holder's permit number; 822
- (g) A description and the amount of glassware provided to 823  
the permit holder; 824
- (h) The amount that the manufacturer or supplier paid to 825  
have the glassware manufactured. 826

(B) Notwithstanding section 4301.24 of the Revised Code, a 827  
manufacturer or supplier may provide glassware intended for the 828  
serving of beer to a permit holder authorized to sell beer for 829  
on-premises consumption if the manufacturer or supplier provides 830  
a receipt to the permit holder. However, the manufacturer or 831  
supplier shall not annually provide more than four cases of such 832  
glassware to the permit holder. 833

(C) A permit holder authorized to sell for on-premises 834  
consumption may receive glassware intended for the serving of 835  
beer from a manufacturer or supplier. 836

(D) A permit holder that receives glassware from a 837  
manufacturer or supplier shall maintain a copy of the receipt 838  
provided by the manufacturer or supplier under division (B) of 839  
this section. The permit holder shall retain the receipt for a 840  
period of three years and make the receipt available for 841  
inspection during normal business hours. 842

**Sec. 4301.322.** The electors of an election precinct may 843  
exercise the privilege of local option under sections 4301.353 844  
and 4301.354 of the Revised Code on the sale of beer, the sale 845  
of wine and mixed beverages, or the sale of spirituous liquor, ~~7~~ 846  
~~on Sunday or on other days of the week,~~ in a portion of the 847  
precinct in which the status of such sales as allowed or 848  
prohibited is inconsistent with the status of such sales in the 849  
remainder of the precinct because of a change in precinct 850  
boundaries by the board of elections or an annexation of 851  
territory to a municipal corporation. The privilege conferred by 852  
this section is in addition to the privilege conferred on the 853  
electors of an election precinct as specified in section 854  
4301.32, 4301.321, 4303.29, or 4305.14 of the Revised Code. 855

**Sec. 4301.33.** (A) The board of elections shall provide to 856

a petitioner circulating a petition for an election for the 857  
submission of one or more of the questions specified in 858  
~~divisions (A) to (D) of section 4301.35 or~~ the question 859  
specified in section 4301.351 of the Revised Code, at the time 860  
of taking out the petition, the names of the streets and, if 861  
appropriate, the address numbers of residences and business 862  
establishments within the precinct in which the election is 863  
sought, and a form prescribed by the secretary of state for 864  
notifying affected permit holders and liquor agency stores of 865  
the circulation of a petition for an election for the submission 866  
of one or more of the questions specified in ~~divisions (A) to~~ 867  
~~(D) of section 4301.35 or~~ the question specified in section 868  
4301.351 of the Revised Code. The petitioner shall, not less 869  
than fifty-five days before the petition-filing deadline for the 870  
election, as provided in this section, file with the division of 871  
liquor control the information regarding names of streets and, 872  
if appropriate, address numbers of residences and business 873  
establishments provided by the board of elections, and specify 874  
to the division the precinct that is concerned and that would be 875  
affected by the results of the election and the filing deadline. 876  
The division shall, within a reasonable period of time and not 877  
later than twenty-five days before the filing deadline, supply 878  
the petitioner with a list of the names and addresses of permit 879  
holders and liquor agency stores, if any, that would be affected 880  
by the election. The list shall contain a heading with the 881  
following words: "Liquor permit holders and liquor agency stores 882  
that would be affected by the question(s) set forth on petition 883  
for a local option election." 884

Within five days after a petitioner has received from the 885  
division the list of liquor permit holders and liquor agency 886  
stores, if any, that would be affected by the question or 887

questions set forth on a petition for local option election, the 888  
petitioner shall, using the form provided by the board of 889  
elections, notify by certified mail each permit holder and 890  
liquor agency store whose name appears on that list. The form 891  
for notifying affected permit holders and liquor agency stores 892  
shall require the petitioner to state the petitioner's name and 893  
street address and shall contain a statement that a petition is 894  
being circulated for an election for the submission of the 895  
question or questions specified in ~~divisions (A) to (D) of~~ 896  
section 4301.35 or the question specified in section 4301.351 of 897  
the Revised Code. The form shall require the petitioner to state 898  
the question or questions to be submitted as they appear on the 899  
petition. 900

The petitioner shall attach a copy of the list provided by 901  
the division to each petition paper. A part petition paper 902  
circulated at any time without the list of affected permit 903  
holders and liquor agency stores attached to it is invalid. 904

At the time the petitioner files the petition with the 905  
board of elections, the petitioner shall provide to the board 906  
the list supplied by the division and an affidavit certifying 907  
that the petitioner notified all affected permit holders and 908  
liquor agency stores, if any, on the list in the manner and 909  
within the time required in this section and that, at the time 910  
each signer of the petition affixed the signer's signature to 911  
the petition, the petition paper contained a copy of the list of 912  
affected permit holders and liquor agency stores. 913

Within five days after receiving a petition ~~calling for an~~ 914  
~~election for the submission of one or more of the questions~~ 915  
~~specified in divisions (A) to (D) of section 4301.35 or section~~ 916  
~~4301.351 of the Revised Code,~~ the board shall give notice by 917

certified mail that it has received the petition to all liquor 918  
permit holders and liquor agency stores, if any, whose names 919  
appear on the list of affected permit holders and liquor agency 920  
stores filed by the petitioner. Failure of the petitioner to 921  
supply the affidavit required by this section and a complete and 922  
accurate list of liquor permit holders and liquor agency stores, 923  
if any, invalidates the entire petition. The board of elections 924  
shall provide to a permit holder or liquor agency store that 925  
would be affected by a proposed local option election, on the 926  
permit holder's or liquor agency store's request, the names of 927  
the streets, and, if appropriate, the address numbers of 928  
residences and business establishments within the precinct in 929  
which the election is sought that would be affected by the 930  
results of the election. The board may charge a reasonable fee 931  
for this information when provided to the petitioner and the 932  
permit holder or liquor agency store. 933

(B) Upon the presentation of a petition, not later than 934  
four p.m. of the ninetieth day before the day of a general 935  
election or special election held on the day of a primary 936  
election, to the board of elections of the county where the 937  
precinct is located, designating whether it is a petition for an 938  
election for the submission of one or more of the questions 939  
specified in section 4301.35 of the Revised Code, or a petition 940  
for the submission of ~~one or more of the questions~~ question 941  
specified in section 4301.351 of the Revised Code, designating 942  
the particular question or questions specified in section 943  
4301.35 or the question specified in 4301.351 of the Revised 944  
Code that are to be submitted, and signed by the qualified 945  
electors of the precinct concerned, equal in number to fifty 946  
people or thirty-five per cent of the total number of votes cast 947  
in the precinct concerned for the office of governor at the 948

preceding general election for that office, whichever is less, 949  
the board shall submit the question or questions specified in 950  
the petition to the electors of the precinct concerned, on the 951  
day of the next general election or special election held on the 952  
day of a primary election, whichever occurs first and shall 953  
proceed as follows: 954

(1) Such board shall, not later than the seventy-eighth 955  
day before the day of the election for which the question or 956  
questions on the petition would qualify for submission to the 957  
electors of the precinct, examine and determine the sufficiency 958  
of the signatures and review, examine, and determine the 959  
validity of the petition and, in case of overlapping precinct 960  
petitions presented within that period, determine which of the 961  
petitions shall govern the further proceedings of the board. In 962  
the case where the board determines that two or more overlapping 963  
petitions are valid, the earlier filed petition shall govern. 964  
The board shall certify the sufficiency and validity of any 965  
petition determined to be valid. The board shall determine the 966  
validity of the petition as of the time of certification as 967  
described in this division. 968

(2) If a petition is sufficient, and, in case of 969  
overlapping precinct petitions, after the board has determined 970  
the governing petition, the board to which the petition has been 971  
presented shall order the holding of a special election in the 972  
precinct for the submission of whichever of the questions 973  
specified in section 4301.35 or the question specified in 974  
section 4301.351 of the Revised Code are designated in the 975  
petition, on the day of the next general election or special 976  
election held on the day of a primary election, whichever occurs 977  
first. 978

(3) All petitions filed with a board of elections under 979  
this section shall be open to public inspection under rules 980  
adopted by the board. 981

(4) Protest against local option petitions may be filed by 982  
any elector eligible to vote on the question or questions 983  
described in the petitions or by a permit holder or liquor 984  
agency store in the precinct as described in the petitions, not 985  
later than four p.m. of the seventy-fourth day before the day of 986  
the general election or special election held on the day of a 987  
primary election for which the petition qualified. The protest 988  
shall be in writing and shall be filed with the election 989  
officials with whom the petition was filed. Upon filing of the 990  
protest, the election officials with whom it is filed shall 991  
promptly fix the time for hearing it, and shall mail notice of 992  
the filing of the protest and the time and place for hearing it 993  
to the person who filed the petition and to the person who filed 994  
the protest. At the time and place fixed, the election officials 995  
shall hear the protest and determine the validity of the 996  
petition. 997

**Sec. 4301.332.** (A) The board of elections shall provide to 998  
a petitioner circulating a petition for an election for the 999  
submission of one or more of the questions specified in section 1000  
4301.353 or the question specified in section 4301.354 of the 1001  
Revised Code, at the time of taking out the petition, the names 1002  
of the streets and, if appropriate, the address numbers of 1003  
residences and business establishments within the precinct that 1004  
would be affected by the results of the election, and a form 1005  
prescribed by the secretary of state for notifying affected 1006  
permit holders of the circulation of a petition for an election 1007  
for the submission of one or more of the questions specified in 1008  
section 4301.353 or the question specified in section 4301.354 1009

of the Revised Code. The petitioner shall, not less than fifty- 1010  
five days before the petition-filing deadline for the election, 1011  
as provided in this section, file with the division of liquor 1012  
control the information regarding names of streets and, if 1013  
appropriate, address numbers of residences and business 1014  
establishments provided by the board of elections, and specify 1015  
to the division the portion of the precinct that would be 1016  
affected by the results of the election and the filing deadline. 1017  
The division shall, within a reasonable period of time and not 1018  
later than twenty-five days before the filing deadline, supply 1019  
the petitioner with a list of the names and addresses of permit 1020  
holders, if any, who would be affected by the election. The list 1021  
shall contain a heading with the following words: "Liquor permit 1022  
holders who would be affected by the question(s) set forth on 1023  
petition for a local option election." 1024

Within five days after a petitioner has received from the 1025  
division the list of liquor permit holders, if any, who would be 1026  
affected by the question or questions set forth on a petition 1027  
for local option election, the petitioner, using the form 1028  
provided by the board of elections, shall notify by certified 1029  
mail each permit holder whose name appears on that list. The 1030  
form for notifying affected permit holders shall require the 1031  
petitioner to state the petitioner's name and street address and 1032  
shall contain a statement that a petition is being circulated 1033  
for an election for the submission of the question or questions 1034  
specified in section 4301.353 or the question specified in 1035  
section 4301.354 of the Revised Code. The form shall require the 1036  
petitioner to state the question or questions to be submitted as 1037  
they appear on the petition. 1038

The petitioner shall attach a copy of the list provided by 1039  
the division to each petition paper. A part petition paper 1040

circulated at any time without the list of affected permit holders attached to it is invalid.

At the time the petitioner files the petition with the board of elections, the petitioner shall provide to the board the list supplied by the division and an affidavit certifying that the petitioner notified all affected permit holders, if any, on the list in the manner and within the time required in this section and that, at the time each signer of the petition affixed the signer's signature to the petition, the petition paper contained a copy of the list of affected permit holders.

~~Within five days after receiving a petition calling for an election for the submission of one or more of the questions specified in section 4301.353 or 4301.354 of the Revised Code,~~ the board shall give notice by certified mail that it has received the petition to all liquor permit holders, if any, whose names appear on the list of affected permit holders filed by the petitioner as furnished by the division. Failure of the petitioner to supply the affidavit required by this section and a complete and accurate list of liquor permit holders as furnished by the division invalidates the entire petition. The board of elections shall provide to a permit holder who would be affected by a proposed local option election, on the permit holder's request, the names of the streets, and, if appropriate, the address numbers of residences and business establishments within the portion of the precinct that would be affected by the results of the election. The board may charge a reasonable fee for this information when provided to the petitioner and the permit holder.

This division does not apply to an election held under section 4301.353 or 4301.354 of the Revised Code if the results

of the election would not affect any permit holder. 1071

(B) Upon the presentation of a petition, not later than 1072  
four p.m. of the ninetieth day before the day of a general 1073  
election or special election held on the day of a primary 1074  
election, to the board of elections of the county where the 1075  
precinct is located, designating whether it is a petition for an 1076  
election for the submission of one or both of the questions 1077  
specified in section 4301.353 of the Revised Code, or a petition 1078  
for the submission of ~~one or more of the questions~~ question 1079  
specified in section 4301.354 of the Revised Code, designating 1080  
the particular question or questions specified in section 1081  
4301.353 or the question specified in section 4301.354 of the 1082  
Revised Code that are to be submitted, and signed by the 1083  
qualified electors of the precinct concerned, equal in number to 1084  
fifty people or thirty-five per cent of the total number of 1085  
votes cast in the precinct concerned for the office of governor 1086  
at the preceding general election for that office, whichever is 1087  
less, the board shall submit the question or questions specified 1088  
in the petition to the electors of the precinct concerned, on 1089  
the day of the next general election or special election held on 1090  
the day of the next primary election, whichever occurs first and 1091  
shall proceed as follows: 1092

(1) Such board shall, not later than the seventy-eighth 1093  
day before the day of the election for which the question or 1094  
questions on the petition would qualify for submission to the 1095  
electors of the precinct, examine and determine the sufficiency 1096  
of the signatures and review, examine, and determine the 1097  
validity of the petition and, in case of overlapping precinct 1098  
petitions presented within that period, determine which of the 1099  
petitions shall govern the further proceedings of the board. In 1100  
the case where the board determines that two or more overlapping 1101

petitions are valid, the earlier filed petition shall govern. 1102  
The board shall certify the sufficiency and validity of any 1103  
petition determined to be valid. The board shall determine the 1104  
validity of the petition as of the time of certification as 1105  
described in this division. 1106

(2) If a petition is sufficient, and, in case of 1107  
overlapping precinct petitions, after the board has determined 1108  
the governing petition, the board to which the petition has been 1109  
presented shall order the holding of a special election in the 1110  
precinct for the submission of whichever of the questions 1111  
specified in section 4301.353 or the question specified in 1112  
section 4301.354 of the Revised Code are designated in the 1113  
petition, on the day of the next general election or special 1114  
election held on the day of the next primary election, whichever 1115  
occurs first. 1116

(C) All petitions filed with a board of elections under 1117  
this section shall be open to public inspection under rules 1118  
adopted by the board. 1119

(D) Protest against local option petitions may be filed by 1120  
any elector eligible to vote on the question or questions 1121  
described in the petitions or by a permit holder in the precinct 1122  
as described in the petitions, not later than four p.m. of the 1123  
seventy-fourth day before the day of the general election or 1124  
special election held on the day of the primary election for 1125  
which the petition qualified. The protest shall be in writing 1126  
and shall be filed with the election officials with whom the 1127  
petition was filed. Upon filing of the protest, the election 1128  
officials with whom it is filed shall promptly fix the time for 1129  
hearing it, and shall mail notice of the filing of the protest 1130  
and the time and place for hearing it to the person who filed 1131

the petition and to the person who filed the protest. At the 1132  
time and place fixed, the election officials shall hear the 1133  
protest and determine the validity of the petition. 1134

**Sec. 4301.333.** (A) The privilege of local option conferred 1135  
by section 4301.323 of the Revised Code may be exercised if, not 1136  
later than four p.m. of the ninetieth day before the day of a 1137  
general election or special election held on the day of a 1138  
primary election, a petition is presented to the board of 1139  
elections of the county in which the precinct is situated by a 1140  
petitioner who is one of the following: 1141

(1) An applicant for the issuance or transfer of a liquor 1142  
permit at, or to, a particular location within the precinct; 1143

(2) The holder of a liquor permit at a particular location 1144  
within the precinct; 1145

(3) A person who operates or seeks to operate a liquor 1146  
agency store at a particular location within the precinct; 1147

(4) The designated agent for an applicant, liquor permit 1148  
holder, or liquor agency store described in division (A) (1), 1149  
(2), or (3) of this section. 1150

(B) The petition shall be signed by the electors of the 1151  
precinct equal in number to fifty people or at least thirty-five 1152  
per cent of the total number of votes cast in the precinct for 1153  
the office of governor at the preceding general election for 1154  
that office, whichever is less, and shall contain all of the 1155  
following: 1156

(1) A notice that the petition is for the submission of 1157  
~~the a question or questions~~ set forth in section 4301.355 of the 1158  
Revised Code; 1159

(2) The name of the applicant for the issuance or 1160  
transfer, or the holder, of the liquor permit or, if applicable, 1161  
the name of the liquor agency store, including any trade or 1162  
fictitious names under which the applicant, holder, or liquor 1163  
agency store either intends to do or does business at the 1164  
particular location; 1165

(3) The address and proposed use of the particular 1166  
location within the election precinct to which the results of 1167  
the question ~~or questions~~ specified in section 4301.355 of the 1168  
Revised Code shall apply. For purposes of this division, "use" 1169  
means all of the following: 1170

(a) The type of each liquor permit applied for by the 1171  
applicant or held by the liquor permit holder as described in 1172  
sections 4303.11 to 4303.183 of the Revised Code, including a 1173  
description of the type of beer or intoxicating liquor sales 1174  
authorized by each permit as provided in those sections; 1175

(b) If a liquor agency store, the fact that the business 1176  
operated as a liquor agency store authorized to operate by this 1177  
state; 1178

(c) A description of the general nature of the business of 1179  
the applicant, liquor permit holder, or liquor agency store. 1180

~~(4) If the petition seeks approval of Sunday sales under 1181  
question (B) (2) as set forth in section 4301.355 of the Revised 1182  
Code, a statement indicating whether the hours of sale sought 1183  
are between ten a.m. and midnight or between eleven a.m. and 1184  
midnight. 1185~~

(C) (1) At the time the petitioner files the petition with 1186  
the board of elections, the petitioner shall provide to the 1187  
board both of the following: 1188

(a) An affidavit that is signed by the petitioner and that 1189  
states the proposed use of the location following the election 1190  
held to authorize the sale of beer or intoxicating liquor 1191  
authorized by each permit as provided in sections 4303.11 to 1192  
4303.183 of the Revised Code; 1193

(b) Written evidence of the designation of an agent by the 1194  
applicant, liquor permit holder, or liquor agency store 1195  
described in division (A) (1), (2), or (3) of this section for 1196  
the purpose of petitioning for the local option election, if the 1197  
petitioner is the designated agent of the applicant, liquor 1198  
permit holder, or liquor agency store. 1199

(2) Failure to supply the affidavit, or the written 1200  
evidence of the designation of the agent if the petitioner for 1201  
the local option election is the agent of the applicant, liquor 1202  
permit holder, or liquor agency store described in division (A) 1203  
(1), (2), or (3) of this section, at the time the petition is 1204  
filed invalidates the entire petition. 1205

(D) Not later than the seventy-eighth day before the day 1206  
of the next general election or special election held on the day 1207  
of the next primary election, whichever occurs first, the board 1208  
shall examine and determine the sufficiency of the signatures 1209  
and the validity of the petition. If the board finds that the 1210  
petition contains sufficient signatures and in other respects is 1211  
valid, it shall order the holding of an election in the precinct 1212  
on the day of the next general election or special election held 1213  
on the day of the next primary election, whichever occurs first, 1214  
for the submission of the question ~~or questions~~ set forth in 1215  
section 4301.355 of the Revised Code. 1216

(E) A petition filed with the board of elections under 1217  
this section shall be open to public inspection under rules 1218

adopted by the board. 1219

(F) An elector who is eligible to vote on the question ~~or~~ 1220  
~~questions~~ set forth in section 4301.355 of the Revised Code may 1221  
file, not later than four p.m. of the seventy-fourth day before 1222  
the day of the election at which the question ~~or questions~~ will 1223  
be submitted to the electors, a protest against a local option 1224  
petition circulated and filed pursuant to this section. The 1225  
protest shall be in writing and shall be filed with the election 1226  
officials with whom the petition was filed. Upon the filing of 1227  
the protest, the election officials with whom it is filed shall 1228  
promptly establish a time and place for hearing the protest and 1229  
shall mail notice of the time and place for the hearing to the 1230  
applicant for, or the holder of, the liquor permit who is 1231  
specified in the petition and to the elector who filed the 1232  
protest. At the time and place established in the notice, the 1233  
election officials shall hear the protest and determine the 1234  
validity of the petition. 1235

**Sec. 4301.334.** (A) The privilege of local option conferred 1236  
by section 4301.324 of the Revised Code may be exercised if, not 1237  
later than four p.m. of the ninetieth day before the day of a 1238  
general election or special election held on the day of a 1239  
primary election, a petition and other information required by 1240  
division (B) of this section are presented to the board of 1241  
elections of the county in which the community facility named in 1242  
the petition is located. The petition shall be signed by 1243  
electors of the municipal corporation or unincorporated area of 1244  
the township in which the community facility is located equal in 1245  
number to at least ten per cent of the total number of votes 1246  
cast in the municipal corporation or unincorporated area of the 1247  
township in which the community facility is located for the 1248  
office of governor at the most recent general election for that 1249

office and shall contain both of the following: 1250

(1) A notice that the petition is for the submission of 1251  
the question set forth in section 4301.356 of the Revised Code 1252  
~~and a statement indicating whether the hours of Sunday sales~~ 1253  
~~sought in the local option election are between ten a.m. and~~ 1254  
~~midnight or between eleven a.m. and midnight;~~ 1255

(2) The name and address of the community facility for 1256  
which the local option election is sought and, if the community 1257  
facility is a community entertainment district, the boundaries 1258  
of the district. 1259

(B) Upon the request of a petitioner, a board of elections 1260  
of a county shall furnish to the petitioner a copy of the 1261  
instructions prepared by the secretary of state under division 1262  
(P) of section 3501.05 of the Revised Code and, within fifteen 1263  
days after the request, a certificate indicating the number of 1264  
valid signatures that will be required on a petition to hold an 1265  
election in the municipal corporation or unincorporated area of 1266  
the township in which the community facility is located on the 1267  
question specified in section 4301.356 of the Revised Code. 1268

The petitioner shall, not less than thirty days before the 1269  
petition-filing deadline for an election on the question 1270  
specified in section 4301.356 of the Revised Code, specify to 1271  
the division of liquor control the name and address of the 1272  
community facility for which the election is sought and, if the 1273  
community facility is a community entertainment district, the 1274  
boundaries of the district, the municipal corporation or 1275  
unincorporated area of a township in which the election is 1276  
sought, and the filing deadline. The division shall, within a 1277  
reasonable period of time and not later than ten days before the 1278  
filing deadline, supply the petitioner with the name and address 1279

of any permit holder for or within the community facility. 1280

The petitioner shall file the name and address of any 1281  
permit holder who would be affected by the election at the time 1282  
the petitioner files the petition with the board of elections. 1283  
Within five days after receiving the petition, the board shall 1284  
give notice by certified mail to any permit holder within the 1285  
community facility that it has received the petition. Failure of 1286  
the petitioner to supply the name and address of any permit 1287  
holder for or within the community facility as furnished to the 1288  
petitioner by the division invalidates the petition. 1289

(C) Not later than the seventy-eighth day before the day 1290  
of the next general election or special election held on the day 1291  
of the next primary election, whichever occurs first, the board 1292  
shall examine and determine the sufficiency of the signatures on 1293  
the petition. If the board finds that the petition is valid, it 1294  
shall order the holding of an election in the municipal 1295  
corporation or unincorporated area of a township on the day of 1296  
the next general election or special election held on the day of 1297  
the next primary election, whichever occurs first, for the 1298  
submission of the question set forth in section 4301.356 of the 1299  
Revised Code. 1300

(D) A petition filed with a board of elections under this 1301  
section shall be open to public inspection under rules adopted 1302  
by the board. 1303

(E) An elector who is eligible to vote on the question set 1304  
forth in section 4301.356 of the Revised Code or any permit 1305  
holder for or within the community facility may, not later than 1306  
four p.m. of the seventy-fourth day before the day of the 1307  
election at which the question will be submitted to the 1308  
electors, file a written protest against the local option 1309

petition with the board of elections with which the petition was 1310  
filed. Upon the filing of the protest, the board shall promptly 1311  
fix a time and place for hearing the protest and shall mail 1312  
notice of the time and place to the person who filed the 1313  
petition and to the person who filed the protest. At the time 1314  
and place fixed, the board shall hear the protest and determine 1315  
the validity of the petition. 1316

**Sec. 4301.35.** If a petition is for submission of one or 1317  
more of the questions specified under this section, a special 1318  
election shall be held in the precinct at the time fixed as 1319  
provided in section 4301.33 of the Revised Code. The expenses of 1320  
holding the election shall be charged to the municipal 1321  
corporation or township of which the precinct is a part. 1322

At the election any one or more of the following 1323  
questions, as designated in a valid petition, shall be submitted 1324  
to the electors of the precinct: 1325

(A) "Shall the sale of wine and mixed beverages by the 1326  
package, under permits which authorize sale for off-premise 1327  
consumption only, be permitted in \_\_\_\_\_?" 1328

(B) "Shall the sale of wine and mixed beverages, under 1329  
permits which authorize sale for on-premise consumption only, 1330  
and under permits which authorize sale for both on-premise and 1331  
off-premise consumption, be permitted in \_\_\_\_\_?" 1332

(C) "Shall the sale of spirituous liquors by the glass be 1333  
permitted in \_\_\_\_\_?" 1334

(D) "Shall state liquor stores or liquor agency stores for 1335  
the sale of spirituous liquor by the package, for consumption 1336  
off the premises where sold, be permitted in \_\_\_\_\_?" 1337

(E) "Shall the sale of beer, wine, mixed beverages, or 1338

spirituous liquor, as applicable, under permits that authorize 1339  
sale for on-premise consumption only, and the sale of beer, 1340  
wine, or mixed beverages, as applicable, under permits that 1341  
authorize sale for both on-premise and off-premise consumption, 1342  
be permitted twenty-four hours a day Monday through Sunday in 1343  
\_\_\_\_\_?" 1344

(F) "Shall the sale of beer and intoxicating liquor, of 1345  
the same types as may be legally sold under permits in this 1346  
precinct, be allowed twenty-four hours a day Monday through 1347  
Sunday in \_\_\_\_\_?" 1348

The board of elections to which a petition is presented 1349  
shall furnish printed ballots at the election in accordance with 1350  
section 3505.06 of the Revised Code, and separate ballots shall 1351  
be used for the special election. All the questions designated 1352  
in a valid petition or overlapping petitions containing one or 1353  
more questions to be set forth on the ballot shall be set forth 1354  
on each ballot and the board shall insert in each question the 1355  
name or an accurate description of the precinct in which the 1356  
election is to be held. Votes shall be cast as provided in 1357  
section 3505.06 of the Revised Code. 1358

**Sec. 4301.351.** (A) ~~If~~As used in this division, "dry 1359  
precinct" has the same meaning as in section 4303.182 of the 1360  
Revised Code. 1361

If a petition is for submission of the question of whether 1362  
the sale of intoxicating liquor shall be permitted on Sunday in 1363  
a dry precinct, a special election shall be held in the precinct 1364  
at the time fixed as provided in section 4301.33 of the Revised 1365  
Code. The expenses of holding the election shall be charged to 1366  
the municipal corporation or township of which the precinct is a 1367  
part. 1368

(B) At the election, ~~one or more of the following~~ 1369  
~~questions, question (B) (1), (B) (2), or (B) (3) as designated in a~~ 1370  
~~valid petition or question (B) (4) as submitted by the~~ 1371  
~~legislative authority of a municipal corporation or the board of~~ 1372  
~~trustees of a township, question shall be submitted to the~~ 1373  
electors of the precinct: 1374

~~(1) "Shall the sale of (insert intoxicating liquor for on- 1375  
premises consumption or the sale of wine and mixed beverages for 1376  
off-premises consumption or both), of the same types as may be 1377  
legally sold in this precinct on other days of the week, be 1378  
permitted in this \_\_\_\_\_ ~~for consumption on the premises where~~ 1379  
~~sold, between the hours of eleven a.m. and midnight on Sunday?"~~ 1380~~

~~(2) "Shall the sale of intoxicating liquor, of the same 1381  
types as may be legally sold in this precinct on other days of 1382  
the week, be permitted in this \_\_\_\_\_ for consumption on the 1383  
premises where sold, between the hours of eleven a.m. and 1384  
midnight on Sunday, at licensed premises where the sale of food 1385  
and other goods and services exceeds fifty per cent of the total 1386  
gross receipts of the permit holder at the premises?"~~ 1387

~~(3) "Shall the sale of wine and mixed beverages, of the 1388  
same types as may be legally sold in this precinct on other days 1389  
of the week, be permitted in this \_\_\_\_\_ for consumption off 1390  
the premises where sold, between the hours of eleven a.m. and 1391  
midnight on Sunday?"~~ 1392

~~(4) "Shall the sale of intoxicating liquor, of the same 1393  
types as may be legally sold in this precinct on other days of 1394  
the week, be permitted in this \_\_\_\_\_ for consumption on the 1395  
premises where sold, between the hours of one p.m. and midnight 1396  
on Sunday, at outdoor performing arts centers, as defined in 1397  
section 4303.182 of the Revised Code, that have been issued a D 1398~~

~~6 permit?"~~ 1399

~~Question (B) (4) shall be presented to the electors of a  
precinct in which an outdoor performing arts center is located  
only if the legislative authority of the municipal corporation  
in which, or the board of trustees of the township in which, the  
outdoor performing arts center is located submits, not later  
than four p.m. of the seventy fifth day before the day of a  
primary or general election that occurs within two years after  
April 9, 2001, to the board of elections of the county in which  
the precinct is located, a copy of an ordinance or resolution  
requesting the submission of that question to the electors of  
the precinct. An election on question (B) (4) may not be sought  
by a petition under section 4301.33 of the Revised Code.~~ 1400  
1401  
1402  
1403  
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~~(C) At the election, one or more of the following  
questions, as designated in a valid petition, shall be submitted  
to the electors of the precinct:~~ 1412  
1413  
1414

~~(1) "Shall the sale of intoxicating liquor, of the same  
types as may be legally sold in this precinct on other days of  
the week, be permitted in this \_\_\_\_\_ for consumption on the  
premises where sold, between the hours of ten a.m. and midnight  
on Sunday?"~~ 1415  
1416  
1417  
1418  
1419

~~(2) "Shall the sale of intoxicating liquor, of the same  
types as may be legally sold in this precinct on other days of  
the week, be permitted in this \_\_\_\_\_ for consumption on the  
premises where sold, between the hours of ten a.m. and midnight  
on Sunday, at licensed premises where the sale of food and other  
goods and services exceeds fifty per cent of the total gross  
receipts of the permit holder at the premises?"~~ 1420  
1421  
1422  
1423  
1424  
1425  
1426

~~(3) "Shall the sale of wine and mixed beverages, of the~~ 1427

~~same types as may be legally sold in this precinct on other days~~ 1428  
~~of the week, be permitted in this \_\_\_\_\_ for consumption off-~~ 1429  
~~the premises where sold, between the hours of ten a.m. and~~ 1430  
~~midnight on Sunday?"~~ 1431

~~(D) No C or D permit holder who first applied for such a~~ 1432  
~~permit after April 15, 1982, shall sell beer on Sunday unless~~ 1433  
~~the sale of intoxicating liquor is authorized in the precinct or~~ 1434  
~~portion of the precinct at an election on question (B) (1), (B)~~ 1435  
~~(2), or (B) (3) of this section, on question (C) (1), (C) (2), or~~ 1436  
~~(C) (3) of this section, on question (B) (1), (B) (2), or (B) (3) of~~ 1437  
~~section 4301.354 of the Revised Code, on question (C) (1), (C)~~ 1438  
~~(2), or (C) (3) of section 4301.354 of the Revised Code, or on~~ 1439  
~~question (B) (2) of section 4301.355 of the Revised Code under~~ 1440  
~~section 4303.182 of the Revised Code. No D-6 permit is required~~ 1441  
~~for the sale of beer on Sunday.~~ 1442

The board of elections to which the petition is presented 1443  
shall furnish printed ballots at the election in accordance with 1444  
section 3505.06 of the Revised Code, and separate ballots shall 1445  
be used for the special election under this section. ~~One or more~~ 1446  
~~of the questions~~ The question prescribed by ~~divisions (B) and~~ 1447  
~~(C) of this section~~, as designated in the petition, shall be set 1448  
forth on each ballot, and the board shall insert in ~~each~~ the 1449  
question the name or an accurate description of the precinct in 1450  
which the election is to be held. Votes shall be cast as 1451  
provided in section 3505.06 of the Revised Code. 1452

**Sec. 4301.353.** If a petition is filed under section 1453  
4301.332 of the Revised Code for the submission of the one or 1454  
more questions set forth in this section, a special election 1455  
shall be held in the precinct as ordered by the board of 1456  
elections under that section. The expense of holding the special 1457

election shall be charged to the municipal corporation or 1458  
township of which the precinct is a part. 1459

At the election, one or both of the following questions as 1460  
designated in a valid petition shall be submitted to the 1461  
electors of the precinct ~~concerning sales on days of the week~~ 1462  
~~other than Sunday:~~ 1463

(A) "Shall the sales of (insert one or both of the 1464  
following: beer, or wine and mixed beverages) by the package, 1465  
under permits that authorize sale for off-premises consumption 1466  
only, be permitted in a portion of this precinct in which the 1467  
status of the sale of (insert one or both of the following: 1468  
beer, or wine and mixed beverages) as allowed or prohibited is 1469  
inconsistent with the status of such sale in the remainder of 1470  
the precinct?" 1471

(B) "Shall the sale of (insert one or more of the 1472  
following: beer, wine and mixed beverages, or spirituous 1473  
liquor), under permits that authorize sale for on-premises 1474  
consumption only, and under permits that authorize sale for both 1475  
on-premises and off-premises consumption, be permitted in a 1476  
portion of this precinct in which the status of the sale of 1477  
(insert one or more of the following: beer, wine and mixed 1478  
beverages, or spirituous liquor) as allowed or prohibited is 1479  
inconsistent with the status of such sale in the remainder of 1480  
the precinct?" 1481

The board of elections shall furnish printed ballots at 1482  
the special election as provided under section 3505.06 of the 1483  
Revised Code, except that a separate ballot shall be used for 1484  
the special election. One or both of the questions set forth in 1485  
this section shall be printed on each ballot and the board shall 1486  
insert in the question and statement appropriate words to 1487

complete each and a description of the portion of the precinct 1488  
that would be affected by the results of the election. 1489

The description of the portion of the precinct shall 1490  
include either the complete listing of street addresses in that 1491  
portion or a condensed text that accurately describes the 1492  
boundaries of the portion of the precinct by street name or by 1493  
another name generally known by the residents of the portion of 1494  
the precinct. If other than a full street listing is used, the 1495  
full street listing also shall be posted in each polling place 1496  
in a location that is easily accessible to all voters. Failure 1497  
of the board of elections to completely and accurately list all 1498  
street addresses in the affected area of the precinct does not 1499  
affect the validity of the election at which the failure 1500  
occurred and is not grounds for contesting an election under 1501  
section 3515.08 of the Revised Code. Votes shall be cast as 1502  
provided under section 3505.06 of the Revised Code. 1503

**Sec. 4301.354.** (A) ~~If~~As used in this division, "dry  
precinct" has the same meaning as in section 4303.182 of the  
Revised Code. 1504  
1505  
1506

If a petition is filed under section 4301.332 of the 1507  
Revised Code for the submission of ~~one or more questions set~~  
~~forth in this section~~the question of whether the sale of  
intoxicating liquor shall be permitted on Sunday in a dry  
precinct, a special election shall be held in the precinct as 1511  
ordered by the board of elections under that section. The 1512  
expense of holding the special election shall be charged to the 1513  
municipal corporation or township of which the precinct is a 1514  
part. 1515

(B) At the election, ~~one or more of the following~~  
~~questions~~question, as designated in a valid petition, shall be 1516  
1517

submitted to the electors of the precinct concerning Sunday 1518  
sales: 1519

~~(1) "Shall the sale of insert intoxicating liquor be 1520  
permitted in a portion of this precinct between the hours of 1521  
eleven a.m. and midnight on Sunday for on-premises consumption 1522  
on the premises where sold, the sale of wine and mixed beverages 1523  
for off-premises consumption, or both) be permitted in a portion 1524  
of this precinct on Sunday where the status of such Sunday sales 1525  
as allowed or prohibited is inconsistent with the status of such 1526  
Sunday sales in the remainder of the precinct?" 1527~~

~~(2) "Shall the sale of intoxicating liquor be permitted in- 1528  
a portion of this precinct between the hours of eleven a.m. and 1529  
midnight on Sunday for consumption on the premises where sold at 1530  
licensed premises where the sale of food and other goods exceeds 1531  
fifty per cent of the total gross receipts of the permit holder- 1532  
at the premises, where the status of such Sunday sales as 1533  
allowed or prohibited is inconsistent with the status of such 1534  
Sunday sales in the remainder of the precinct?" 1535~~

~~(3) "Shall the sale of wine and mixed beverages be 1536  
permitted in a portion of this precinct between the hours of 1537  
eleven a.m. and midnight on Sunday for consumption off the 1538  
premises where sold, where the status of such Sunday sales as 1539  
allowed or prohibited is inconsistent with the status of such 1540  
Sunday sales in the remainder of the precinct?" 1541~~

~~(C) At the election, one or more of the following 1542  
questions, as designated in a valid petition, shall be submitted 1543  
to the electors of the precinct concerning Sunday sales: 1544~~

~~(1) "Shall the sale of intoxicating liquor be permitted in- 1545  
a portion of this precinct between the hours of ten a.m. and- 1546~~

~~midnight on Sunday for consumption on the premises where sold,~~ 1547  
~~where the status of such Sunday sales as allowed or prohibited~~ 1548  
~~is inconsistent with the status of such Sunday sales in the~~ 1549  
~~remainder of the precinct?"~~ 1550

~~(2) "Shall the sale of intoxicating liquor be permitted in~~ 1551  
~~a portion of this precinct between the hours of ten a.m. and~~ 1552  
~~midnight on Sunday for consumption on the premises where sold at~~ 1553  
~~licensed premises where the sale of food and other goods exceeds~~ 1554  
~~fifty per cent of the total gross receipts of the permit holder~~ 1555  
~~at the premises, where the status of such Sunday sales as~~ 1556  
~~allowed or prohibited is inconsistent with the status of such~~ 1557  
~~Sunday sales in the remainder of the precinct?"~~ 1558

~~(3) "Shall the sale of wine and mixed beverages be~~ 1559  
~~permitted in a portion of this precinct between the hours of ten~~ 1560  
~~a.m. and midnight on Sunday for consumption off the premises~~ 1561  
~~where sold, where the status of such Sunday sales as allowed or~~ 1562  
~~prohibited is inconsistent with the status of such Sunday sales~~ 1563  
~~in the remainder of the precinct?"~~ 1564

~~(D) The board of elections shall furnish printed ballots~~ 1565  
~~at the special election as provided under section 3505.06 of the~~ 1566  
~~Revised Code, except that a separate ballot shall be used for~~ 1567  
~~the special election. The ~~one or more questions~~ question set~~ 1568  
~~forth in divisions (B) and (C) of this section shall be printed~~ 1569  
~~on each ballot, and the board shall insert in the ~~questions~~~~ 1570  
~~question appropriate words to complete ~~each it~~ and a description~~ 1571  
~~of the portion of the precinct that would be affected by the~~ 1572  
~~results of the election.~~ 1573

The description of the portion of the precinct shall 1574  
include either the complete listing of street addresses in that 1575  
portion or a condensed text that accurately describes the 1576

boundaries of the portion of the precinct by street name or by 1577  
another name generally known by the residents of the portion of 1578  
the precinct. If other than a full street listing is used, the 1579  
full street listing also shall be posted in each polling place 1580  
in a location that is easily accessible to all voters. Failure 1581  
of the board of elections to completely and accurately list all 1582  
street addresses in the affected area of the precinct does not 1583  
affect the validity of the election at which the failure 1584  
occurred and is not grounds for contesting an election under 1585  
section 3515.08 of the Revised Code. Votes shall be cast as 1586  
provided under section 3505.06 of the Revised Code. 1587

**Sec. 4301.355.** (A) If a petition is filed under section 1588  
4301.333 of the Revised Code for the submission of the question 1589  
or questions set forth in this section, it shall be held in the 1590  
precinct as ordered by the board of elections under that 1591  
section. The expense of holding the election shall be charged to 1592  
the municipal corporation or township of which the precinct is a 1593  
part. 1594

(B) At the election, ~~one or more of the following~~ 1595  
~~questions~~ question, as designated in a valid petition, shall be 1596  
submitted to the electors of the precinct: 1597

~~(1)~~ "Shall the sale of \_\_\_\_\_ (insert beer, wine and 1598  
mixed beverages, or spirituous liquor) be permitted by 1599  
\_\_\_\_\_ (insert name of applicant, liquor permit holder, or 1600  
liquor agency store, including trade or fictitious name under 1601  
which applicant for, or holder of, liquor permit or liquor 1602  
agency store either intends to do, or does, business at the 1603  
particular location), an \_\_\_\_\_ (insert "applicant for" or 1604  
"holder of" or "operator of") a \_\_\_\_\_ (insert class name of 1605  
liquor permit or permits followed by the words "liquor 1606

permit(s)" or, if appropriate, the words "liquor agency store 1607  
for the State of Ohio"), who is engaged in the business of 1608  
\_\_\_\_\_ (insert general nature of the business in which 1609  
applicant or liquor permit holder is engaged or will be engaged 1610  
in at the particular location, as described in the petition) at 1611  
\_\_\_\_\_ (insert address of the particular location within the 1612  
precinct as set forth in the petition) in this precinct?" 1613

~~(2)-(C) At the election, if the location is a dry 1614  
location, the following question, as designated in a valid 1615  
petition, shall be submitted to the electors of the precinct: 1616~~

"Shall the sale of \_\_\_\_\_ (insert beer, wine and mixed 1617  
beverages, or spirituous liquor) be permitted for sale on Sunday 1618  
~~between the hours of \_\_\_\_\_ (insert "ten a.m. and midnight" 1619  
or "eleven a.m. and midnight") by \_\_\_\_\_ (insert name of 1620  
applicant, liquor permit holder, or liquor agency store, 1621  
including trade or fictitious name under which applicant for, or 1622  
holder of, liquor permit or liquor agency store either intends 1623  
to do, or does, business at the particular location), an \_\_\_\_\_ 1624  
(insert "applicant for a D-6 liquor permit," "holder of a D-6 1625  
liquor permit," "applicant for or holder of an A-1-A, A-2, A-2f, 1626  
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D- 1627  
5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, 1628  
or D-7 liquor permit," if only the approval of beer sales is 1629  
sought, or "liquor agency store") who is engaged in the business 1630  
of \_\_\_\_\_ (insert general nature of the business in which 1631  
applicant or liquor permit holder is engaged or will be engaged 1632  
in at the particular location, as described in the petition) at 1633  
\_\_\_\_\_ (insert address of the particular location within the 1634  
precinct) in this precinct?" 1635~~

~~(C)-(D) The board of elections shall furnish printed 1636~~

ballots at the election as provided under section 3505.06 of the Revised Code, except that a separate ballot shall be used for the election under this section. The question set forth in this section shall be printed on each ballot, and the board shall insert in the question appropriate words to complete it. Votes shall be cast as provided under section 3505.06 of the Revised Code.

(E) As used in this section, "dry location" has the same meaning as in section 4303.182 of the Revised Code.

**Sec. 4301.356.** If a petition is filed under section 4301.334 of the Revised Code for the submission of the question set forth in this section, an election shall be held in the municipal corporation or unincorporated area of a township as ordered by the board of elections under that section.

Except as otherwise provided in this section, if the legislative authority of a municipal corporation in whose territory, or the board of township trustees of a township in whose unincorporated area, a community facility is located submits, not later than four p.m. of the ninetieth day before the day of a special election held on the day of a primary election or general election, to the board of elections of the county in which the community facility is located an ordinance or resolution requesting the submission of the question set forth in this section to the electors of the municipal corporation or unincorporated area of the township, the board of elections shall order that an election be held on that question in the municipal corporation or the unincorporated area of the township on the day of the next special election held on the day of a primary election or next general election, whichever occurs first. The legislative authority or board of township trustees

shall submit the name and address of any permit holder who would 1667  
be affected by the results of the election to the board of 1668  
elections at the same time it submits the ordinance or 1669  
resolution. The board of elections, within five days after 1670  
receiving the name and address, shall give notice by certified 1671  
mail to each permit holder that it has received the ordinance or 1672  
resolution. Failure of the legislative authority or board of 1673  
township trustees to supply the name and address of each permit 1674  
holder to the board of elections invalidates the effect of the 1675  
ordinance or resolution. 1676

At the election, the following question shall be submitted 1677  
to the electors of the municipal corporation or unincorporated 1678  
area of a township: 1679

"Shall the sale of beer and intoxicating liquor be 1680  
permitted on ~~days of the week other than Monday through Sunday~~ 1681  
~~and between the hours of \_\_\_\_\_ (insert "ten a.m." or~~ 1682  
~~"eleven a.m.") and midnight on Sunday, at \_\_\_\_\_ (insert~~ 1683  
name of community facility), a community facility as defined by 1684  
section 4301.01 of the Revised Code, and located at \_\_\_\_\_ 1685  
(insert the address of the community facility and, if the 1686  
community facility is a community entertainment district, the 1687  
boundaries of the district, as set forth in the petition)?" 1688

The board of elections shall furnish printed ballots at 1689  
the election as provided under section 3505.06 of the Revised 1690  
Code, except that a separate ballot shall be used for the 1691  
election under this section. The question set forth in this 1692  
section shall be printed on each ballot, and the board shall 1693  
insert in the question appropriate words to complete it, subject 1694  
to the approval of the secretary of state. Votes shall be cast 1695  
as provided under section 3505.06 of the Revised Code. 1696

**Sec. 4301.36.** (A)(1) If a majority of the electors voting 1697  
in a precinct vote "yes" on question (A), (B), or (C) as set 1698  
forth in section 4301.35 of the Revised Code, the sales 1699  
specified in such one or more of the questions on which a 1700  
majority of the electors voting in such precinct voted "yes" 1701  
shall be subject in the precinct only to Chapters 4301. and 1702  
4303. of the Revised Code. 1703

(2) If a majority of the electors voting in such precinct 1704  
vote "no" on question (A), (B), or (C) set forth in section 1705  
4301.35 of the Revised Code, no C or D permit holder shall sell 1706  
intoxicating liquor of the kind or in the manner specified in 1707  
such one or more of the questions on which a majority of the 1708  
electors voting in the precinct voted "no," within the precinct 1709  
concerned, during the period such election is in effect as 1710  
defined in section 4301.37 of the Revised Code. 1711

(B) If a majority of the electors voting in such precinct 1712  
vote "no" on question (D) as set forth in section 4301.35 of the 1713  
Revised Code, all state liquor stores in the precinct shall be 1714  
forthwith closed and, during the period the vote is in effect, 1715  
as defined in section 4301.37 of the Revised Code, no state 1716  
liquor store shall be opened in that precinct. 1717

(C)(1) If a majority of the electors voting in a precinct 1718  
vote "yes" on question (E) as set forth in section 4301.35 of 1719  
the Revised Code, the sales specified in that question shall be 1720  
allowed in the precinct and subject only to this chapter and 1721  
Chapter 4303. of the Revised Code. 1722

(2) If a majority of the electors voting in a precinct 1723  
vote "no" on question (E) set forth in section 4301.35 of the 1724  
Revised Code, no A-1-A, A-1c, A-2, A-2f, A-3a, class C, or class 1725  
D permit holder shall sell beer or intoxicating liquor of the 1726

kind or in the manner specified in that question within the 1727  
precinct concerned, during the period such election is in effect 1728  
as defined in section 4301.37 of the Revised Code. 1729

(D)(1) If a majority of the electors voting in a precinct 1730  
vote "yes" on question (F) as set forth in section 4301.35 of 1731  
the Revised Code, the sales specified in that question shall be 1732  
allowed in the precinct and subject only to this chapter and 1733  
Chapter 4303. of the Revised Code. In addition, sales shall 1734  
continue in the precinct under the authority of any previous 1735  
election in effect in the precinct in which the electors 1736  
approved a question or questions under this chapter or Chapter 1737  
4305. of the Revised Code. 1738

(2) If a majority of the electors voting in a precinct 1739  
vote "no" on question (F) set forth in section 4301.35 of the 1740  
Revised Code, the sales specified in that question shall not be 1741  
allowed in the precinct. However, sales shall continue in the 1742  
precinct under the authority of any previous election in effect 1743  
in the precinct in which the electors approved a question or 1744  
questions under this chapter or Chapter 4305. of the Revised 1745  
Code. 1746

**Sec. 4301.361.** (A) If a majority of the electors voting on 1747  
~~questions~~ the question set forth in section 4301.351 of the 1748  
Revised Code in a precinct vote "yes" on the question ~~(B)(1) or~~ 1749  
~~(C)(1), or, if both questions (B)(1) and (B)(2), or questions~~ 1750  
~~(C)(1) and (C)(2), are submitted, "yes" on both questions or~~ 1751  
~~"yes" on question (B)(1) or (C)(1) but "no" on question (B)(2)~~ 1752  
~~or (C)(2), sales of intoxicating liquor shall be allowed on~~ 1753  
Sunday in the manner and under the conditions specified in the 1754  
question (B)(1) or (C)(1), under a D-6 permit, within the 1755  
precinct concerned, during the hours specified in division (A) 1756

~~of section 4303.182 of the Revised Code and during the period~~ 1757  
~~the election is in effect as defined in section 4301.37 of the~~ 1758  
~~Revised Code. In addition, the question shall not be~~ 1759  
~~subsequently submitted to the electors of that precinct.~~ 1760

~~(B) If only question (B) (2) or (C) (2) is submitted to the~~ 1761  
~~voters or if questions (B) (2) and (B) (3) or (C) (2) and (C) (3)~~ 1762  
~~are submitted and a majority of the electors voting in a~~ 1763  
~~precinct vote "yes" on question (B) (2) or (C) (2) as set forth in~~ 1764  
~~section 4301.351 of the Revised Code, sales of intoxicating~~ 1765  
~~liquor shall be allowed on Sunday in the manner and under the~~ 1766  
~~conditions specified in question (B) (2) or (C) (2), under a D-6~~ 1767  
~~permit, within the precinct concerned, during the hours~~ 1768  
~~specified in division (A) of section 4303.182 of the Revised~~ 1769  
~~Code and during the period the election is in effect as defined~~ 1770  
~~in section 4301.37 of the Revised Code, even if question (B) (1)~~ 1771  
~~or (C) (1) was also submitted and a majority of the electors~~ 1772  
~~voting in the precinct voted "no."~~ 1773

~~(C) If question (B) (3) or (C) (3) is submitted and a~~ 1774  
~~majority of electors voting on question (B) (3) or (C) (3) as set~~ 1775  
~~forth in section 4301.351 of the Revised Code in a precinct vote~~ 1776  
~~"yes," sales of wine and mixed beverages shall be allowed on~~ 1777  
~~Sunday in the manner and under the conditions specified in~~ 1778  
~~question (B) (3) or (C) (3), under a D-6 permit, within the~~ 1779  
~~precinct concerned, during the hours specified in division (A)~~ 1780  
~~of section 4303.182 of the Revised Code and during the period~~ 1781  
~~the election is in effect as defined in section 4301.37 of the~~ 1782  
~~Revised Code.~~ 1783

~~(D) If questions (B) (1), (B) (2), and (B) (3), or questions~~ 1784  
~~(C) (1), (C) (2), and (C) (3), as set forth in section 4301.351 of~~ 1785  
~~the Revised Code, are all submitted and As used in this~~ 1786

division, "dry precinct" has the same meaning as in section 1787  
4303.182 of the Revised Code. 1788

If a majority of the electors voting in such precinct on 1789  
the question set forth in section 4301.351 of the Revised Code 1790  
in a dry precinct vote "no" on all three questions, no sales of 1791  
intoxicating liquor shall be made within the dry precinct 1792  
concerned after two-thirty a.m. on Sunday as specified in the 1793  
questions question submitted, during the period the election is 1794  
in effect as defined in section 4301.37 of the Revised Code. In 1795  
addition, the question shall not be submitted to the electors of 1796  
that precinct for four years after the date of the "no" vote. 1797

~~(E) If question (C) (1) as set forth in section 4301.351 of 1798~~  
~~the Revised Code is submitted to the voters in a precinct in 1799~~  
~~which question (B) (1) as set forth in that section previously 1800~~  
~~was submitted and approved, and the results of the election on 1801~~  
~~question (B) (1) are still in effect in the precinct; or if 1802~~  
~~question (C) (2) as set forth in that section is submitted to the 1803~~  
~~voters in a precinct in which question (B) (2) as set forth in 1804~~  
~~that section previously was submitted and approved, and the 1805~~  
~~results of the election on question (B) (2) are still in effect 1806~~  
~~in the precinct; or if question (C) (3) as set forth in that 1807~~  
~~section is submitted to the voters in a precinct in which 1808~~  
~~question (B) (3) as set forth in that section previously was 1809~~  
~~submitted and approved, and the results of the election on 1810~~  
~~question (B) (3) are still in effect in the precinct; and if a 1811~~  
~~majority of the electors voting on question (C) (1), (C) (2), or 1812~~  
~~(C) (3) vote "no," then sales shall continue to be allowed in the 1813~~  
~~precinct in the manner and under the conditions specified in the 1814~~  
~~previously approved question (B) (1), (B) (2), or (B) (3), as 1815~~  
~~applicable. 1816~~

~~(F) If question (B) (4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "yes," sales of intoxicating liquor shall be allowed on Sunday at outdoor performing arts centers in the manner and under the conditions specified in question (B) (4) under a D-6 permit, within the precinct concerned, during the hours specified in division (F) of section 4303.182 of the Revised Code and during the period the election is in effect as defined in section 4301.37 of the Revised Code. If question (B) (4) as set forth in section 4301.351 of the Revised Code is submitted and a majority of the electors voting in the precinct vote "no," no sales of intoxicating liquor shall be allowed at outdoor performing arts centers in the precinct concerned under a D-6 permit, after 2:30 a.m. on Sunday, during the period the election is in effect as defined in section 4301.37 of the Revised Code.~~

**Sec. 4301.364.** (A) If a majority of the electors in a precinct vote "yes" on the question (B) (1) or (C) (1) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same types as may be legally sold in the precinct on other days of the week, shall be permitted on Sunday in the portion of the precinct affected by the results of the election during the hours specified in division (A) of section 4303.182 of the Revised Code and in the manner and under the conditions specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code. In addition, the question shall not be subsequently submitted to the electors of that precinct.

~~(B) If a majority of the electors in a precinct vote "yes" on question (B) (2) or (C) (2) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same~~

~~types as may be legally sold in the precinct on other days of  
the week, shall be permitted on Sunday in the portion of the  
precinct affected by the results of the election during the  
hours specified in division (A) of section 4303.182 of the  
Revised Code and in the manner and under the conditions  
specified in the question, subject only to this chapter and  
Chapter 4303. of the Revised Code.~~

~~(C) If a majority of the electors in a precinct vote "yes"  
on question (B) (3) or (C) (3) as set forth in section 4301.354 of  
the Revised Code, the sale of wine and mixed beverages shall be  
permitted on Sunday in the portion of the precinct affected by  
the results of the election during the hours specified in  
division (A) of section 4303.182 of the Revised Code and in the  
manner and under the conditions specified in the question,  
subject only to this chapter and Chapter 4303. of the Revised  
Code.~~

~~(D) If As used in this division, "dry precinct" has the  
same meaning as in section 4303.182 of the Revised Code.~~

~~If a majority of the electors in a dry precinct vote "no"  
on the question (B) (1) or (C) (1) as set forth in section  
4301.354 of the Revised Code, no sale of intoxicating liquor  
shall be permitted on Sunday in the manner and under the  
conditions specified in the question in the portion of the  
precinct affected by the results of the election. In addition,  
the question shall not be submitted to the electors of that  
portion of the precinct for four years after the date of the  
"no" vote.~~

~~(E) If a majority of the electors in a precinct vote "no"  
on question (B) (2) or (C) (2) as set forth in section 4301.354 of  
the Revised Code, no sale of intoxicating liquor shall be~~

~~permitted on Sunday in the manner and under the conditions-~~ 1878  
~~specified in the question in the portion of the precinct-~~ 1879  
~~affected by the results of the election.~~ 1880

~~(F) If a majority of the electors in a precinct vote "no"-~~ 1881  
~~on question (B) (3) or (C) (3) as set forth in section 4301.354 of-~~ 1882  
~~the Revised Code, no sale of wine or mixed beverages shall be-~~ 1883  
~~permitted on Sunday in the manner and under the conditions-~~ 1884  
~~specified in the question in the portion of the precinct-~~ 1885  
~~affected by the results of the election.~~ 1886

~~(G) If question (C) (1) as set forth in section 4301.354 of-~~ 1887  
~~the Revised Code is submitted to the voters in a precinct in-~~ 1888  
~~which question (B) (1) as set forth in that section previously-~~ 1889  
~~was submitted and approved, and the results of the election on-~~ 1890  
~~question (B) (1) are still in effect in the precinct; or if-~~ 1891  
~~question (C) (2) as set forth in that section is submitted to the-~~ 1892  
~~voters in a precinct in which question (B) (2) as set forth in-~~ 1893  
~~that section previously was submitted and approved, and the-~~ 1894  
~~results of the election on question (B) (2) are still in effect-~~ 1895  
~~in the precinct; or if question (C) (3) as set forth in that-~~ 1896  
~~section is submitted to the voters in a precinct in which-~~ 1897  
~~question (B) (3) as set forth in that section previously was-~~ 1898  
~~submitted and approved, and the results of the election on-~~ 1899  
~~question (B) (3) are still in effect in the precinct; and if a-~~ 1900  
~~majority of the electors voting on question (C) (1), (C) (2), or-~~ 1901  
~~(C) (3) vote "no," then sales shall continue to be allowed in the-~~ 1902  
~~precinct in the manner and under the conditions specified in the-~~ 1903  
~~previously approved question (B) (1), (B) (2), or (B) (3), as-~~ 1904  
~~applicable.~~ 1905

**Sec. 4301.365.** (A) If a majority of the electors in a 1906  
precinct vote "yes" on questions (B) (1) and (2) as the question 1907

set forth in division (B) of section 4301.355 of the Revised 1908  
Code, the sale of beer, wine and mixed beverages, or spirituous 1909  
liquor, whichever was the subject of the election, shall be 1910  
allowed at the particular location and for the use specified in 1911  
the ~~questions~~ question under each permit applied for by the 1912  
petitioner or at the address listed for the liquor agency store, 1913  
and, ~~in relation to question (B) (2), during the hours on Sunday~~ 1914  
~~specified in division (A) of section 4303.182 of the Revised~~ 1915  
~~Code,~~ subject only to this chapter and Chapter 4303. of the 1916  
Revised Code. Failure to continue to use the particular location 1917  
for any proposed or stated use set forth in the petition is 1918  
grounds for the denial of a renewal of the liquor permit under 1919  
division (A) of section 4303.271 of the Revised Code or is 1920  
grounds for the nonrenewal or cancellation of the liquor agency 1921  
store contract by the division of liquor control, ~~except in the~~ 1922  
~~case where the liquor permit holder or liquor agency store~~ 1923  
~~decides to cease the sale of beer, wine and mixed beverages, or~~ 1924  
~~spirituous liquor, whichever was the subject of the election, on~~ 1925  
~~Sundays.~~ 1926

(B) ~~Except as otherwise provided in division (H) of this~~ 1927  
~~section, if a majority of the electors in a precinct vote "yes"~~ 1928  
~~on question (B) (1) and "no" on question (B) (2) as set forth in~~ 1929  
~~section 4301.355 of the Revised Code, the sale of beer, wine and~~ 1930  
~~mixed beverages, or spirituous liquor, whichever was the subject~~ 1931  
~~of the election, shall be allowed at the particular location for~~ 1932  
~~the use specified in question (B) (1) of section 4301.355 of the~~ 1933  
~~Revised Code and under each permit applied for by the~~ 1934  
~~petitioner, except for a D-6 permit, subject only to this~~ 1935  
~~chapter and Chapter 4303. of the Revised Code.~~ 1936

~~(C)~~ If a majority of the electors in a precinct vote "no" 1937  
on question ~~(B) (1)~~ (B) as set forth in section 4301.355 of the 1938

Revised Code, no sales of beer, wine and mixed beverages, or 1939  
spirituous liquor, whichever was the subject of the election, 1940  
shall be allowed at the particular location for the use 1941  
specified in the petition during the period the election is in 1942  
effect as defined in section 4301.37 of the Revised Code. 1943

~~(D)~~ (C) If a majority of the electors in a precinct vote 1944  
only on question ~~(B) (2)~~ (C) as set forth in section 4301.355 of 1945  
the Revised Code and that vote results in a majority "yes" vote, 1946  
sales of beer, wine and mixed beverages, or spirituous liquor, 1947  
whichever was the subject of the election, shall be allowed at 1948  
the particular location for the use specified in the petition on 1949  
Sunday ~~during the hours specified in division (A) of section~~ 1950  
~~4303.182 of the Revised Code and during the period the election~~ 1951  
~~is in effect as defined in section 4301.37 of the Revised Code.~~ 1952  
In addition, the question shall not be subsequently submitted to 1953  
the electors of that precinct. 1954

~~(E) Except as otherwise provided in division (H) of this~~ 1955  
~~section, if (D) As used in this division, "dry location" has the~~ 1956  
same meaning as in section 4303.182 of the Revised Code. 1957

If a majority of the electors in a precinct vote only on 1958  
question ~~(B) (2)~~ (C) as set forth in section 4301.355 of the 1959  
Revised Code and that vote results in a majority "no" vote, no 1960  
sales of beer, wine and mixed beverages, or spirituous liquor, 1961  
whichever was the subject of the election, shall be allowed at 1962  
the ~~particular dry~~ location for the use ~~and during the hours~~ 1963  
specified in the petition on Sunday ~~during the period the~~ 1964  
~~election is in effect as defined in section 4301.37 of the~~ 1965  
~~Revised Code.~~ In addition, the question shall not be submitted 1966  
to the electors of that precinct regarding that location for 1967  
four years after the date of the "no" vote. 1968

~~(F)~~ (E) In case of elections in the same precinct for the 1969  
question or questions set forth in section 4301.355 of the 1970  
Revised Code and for a question or questions set forth in 1971  
section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 1972  
4305.14 of the Revised Code, the results of the election held on 1973  
the question or questions set forth in section 4301.355 of the 1974  
Revised Code shall apply to the particular location 1975  
notwithstanding the results of the election held on the question 1976  
or questions set forth in section 4301.35, 4301.351, 4301.353, 1977  
4301.354, 4303.29, or 4305.14 of the Revised Code. 1978

~~(G)~~ (F) Sections 4301.32 to 4301.41 of the Revised Code do 1979  
not prohibit the transfer of ownership of a permit that was 1980  
issued to a particular location as the result of an election 1981  
held on sales of beer, wine and mixed beverages, spirituous 1982  
liquor, or intoxicating liquor at that particular location as 1983  
long as the general nature of the business at that particular 1984  
location described in the petition for that election remains the 1985  
same after the transfer. 1986

~~(H)~~ If question (B) (2) as set forth in section 4301.355 of 1987  
the Revised Code is submitted to the electors of a precinct 1988  
proposing to authorize the sale of beer, wine and mixed 1989  
beverages, or spirituous liquor between the hours of ten a.m. 1990  
and midnight at a particular location at which the sale of beer, 1991  
wine and mixed beverages, spirituous liquor, or intoxicating 1992  
liquor is already allowed between the hours of eleven a.m. and 1993  
midnight or one p.m. and midnight and the question submitted is 1994  
defeated, the sale of beer, wine and mixed beverages, spirituous 1995  
liquor, or intoxicating liquor between the hours of eleven a.m. 1996  
and midnight or one p.m. and midnight, as applicable, shall 1997  
continue at that particular location. 1998

**Sec. 4301.366.** If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote "yes," the sale of beer and intoxicating liquor shall be allowed at the community facility ~~on days of the week other than Sunday and during the hours on Sunday specified in division (A) of section 4303.182 of the Revised Code,~~ for the use specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code. Failure to continue to use the location as a community facility constitutes good cause for rejection of the renewal of the liquor permit under division (A) of section 4303.271 of the Revised Code.

If a majority of the electors voting on the question specified in section 4301.356 of the Revised Code vote "no," no sales of beer or intoxicating liquor shall be made at or within the community facility during the period the election is in effect as defined in section 4301.37 of the Revised Code.

**Sec. 4301.37.** (A) When a local option election, other than an election under section 4301.351, 4301.352, 4301.353, 4301.354, 4301.355, or 4301.356 of the Revised Code, is held in any precinct, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the result of the election shall be effective in the precinct until another election is called and held pursuant to sections 4301.32 to 4301.36 of the Revised Code, but no such election shall be held in the precinct on the same question more than once in each four years.

~~(B) When a local option election under section 4301.351 of the Revised Code is held in any precinct, except as provided in divisions (G) and (H) of section 4301.39 of the Revised Code, the result of the election shall be effective in the precinct until another election is called and held pursuant to sections~~

~~4301.32 to 4301.361 of the Revised Code, but no such election shall be held under section 4301.351 of the Revised Code in the precinct on the same question more than once in each four years.~~ 2029  
2030  
2031

~~(C)~~ When a local option election is held in a precinct 2032  
under section 4301.352 of the Revised Code and a majority of the 2033  
electors voting on the question vote "yes," no subsequent local 2034  
option election shall be held in the precinct upon the sale of 2035  
beer or intoxicating liquor by the class C or D permit holder at 2036  
the specified premises for a period of at least four years from 2037  
the date of the most recent local option election, except that 2038  
this division shall not be construed to prohibit the holding or 2039  
affect the results of a local option election under section 2040  
4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of 2041  
the Revised Code. 2042

~~(D)~~ (C) When a local option election is held in a precinct 2043  
under section 4301.353 ~~or 4301.354~~ of the Revised Code, except 2044  
as provided in divisions (G) and (H) of section 4301.39 of the 2045  
Revised Code, the results of the election shall be effective 2046  
until another election is held under that section on the same 2047  
question, but no such election shall be held in a precinct under 2048  
that section on the same question for a period of at least four 2049  
years from the date of the most recent election on that 2050  
question. This division shall not be construed to prohibit the 2051  
future holding of, or affect the future results of, a local 2052  
option election held under section 4301.35, 4301.351, 4301.355, 2053  
4303.29, or 4305.14 of the Revised Code. 2054

~~(E)~~ (D) When a local option election is held in a precinct 2055  
under division (B) of section 4301.355 of the Revised Code, the 2056  
results of that election shall be effective at the particular 2057  
location designated in the petition until another election is 2058

held pursuant to ~~section 4301.355 of the Revised Code that~~ 2059  
division or until such time as an election is held pursuant to 2060  
section 4301.352 of the Revised Code, but no election shall be 2061  
held under division (B) of section 4301.355 of the Revised Code 2062  
regarding the same use at that particular location for a period 2063  
of at least four years from the date of the most recent election 2064  
on that question. The results of a local option election held in 2065  
a precinct under division (B) of section 4301.355 of the Revised 2066  
Code shall not prohibit the holding of, and shall be affected by 2067  
the results of, a local option election held under section 2068  
4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of 2069  
the Revised Code. 2070

~~(F)~~ (E) When a local option election is held in a 2071  
municipal corporation or unincorporated area of a township under 2072  
section 4301.356 of the Revised Code, the results of the 2073  
election shall be effective at the community facility that was 2074  
the subject of the election until another such election is held 2075  
regarding that community facility, but no such election shall be 2076  
held for a period of at least four years from the date of the 2077  
election. The results of a local option election held in a 2078  
municipal corporation or unincorporated area of a township under 2079  
section 4301.356 of the Revised Code shall not prohibit the 2080  
holding of, or affect or be affected by the results of, a local 2081  
option election held under section 4301.35, 4301.351, 4301.353, 2082  
4301.354, 4303.29, or 4305.14 of the Revised Code. 2083

~~(G)~~ (F) If a community facility is located in an election 2084  
precinct in which a previous local option election in the 2085  
precinct resulted in approval of the sale of beer or 2086  
intoxicating liquor in the precinct, the community facility 2087  
shall sell beer or intoxicating liquor only to the extent 2088  
permitted by the previous local option election until an 2089

election is held pursuant to section 4301.356 of the Revised Code. 2090  
2091

~~(H)~~(G) A community facility shall not be affected by a 2092  
local option election held on or after March 30, 1999, unless 2093  
the election is held under section 4301.356 of the Revised Code. 2094

**Sec. 4301.403.** (A) As used in this section, "exhibition 2095  
premises" means a premises at the site where an exhibition 2096  
sanctioned by the U.S. Christopher Columbus quincentenary 2097  
jubilee commission is being or has been held, if the exhibition 2098  
is or was sponsored by an organization that also is sponsoring 2099  
or has sponsored an exhibition sanctioned by the international 2100  
association of horticulture producers. 2101

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 2102  
Revised Code and the provisions for local option elections and 2103  
the election on the question of the repeal of Section 9 of 2104  
Article XV, Ohio Constitution, in section 4303.29 of the Revised 2105  
Code do not affect or prohibit the sale of beer or intoxicating 2106  
liquor at an exhibition premises if the permit holder for the 2107  
premises operates pursuant to the authority of a D liquor permit 2108  
issued pursuant to Chapter 4303. of the Revised Code. 2109

~~Permit D-6 shall be issued to the holder of any D permit 2110  
that authorizes the sale of intoxicating liquor and that is 2111  
issued for an exhibition premises to allow the sale of 2112  
intoxicating liquor under the permit at the premises between the 2113  
hours of one p.m. and midnight on Sunday, whether or not such 2114  
sale has been authorized in an election held under section 2115  
4301.351 of the Revised Code. Notwithstanding section 4301.351- 2116  
of the revised code, the holder of a D permit issued for an 2117  
exhibition premises may sell beer on Sunday whether or not the 2118  
sale of intoxicating liquor has been authorized in an election 2119~~

~~held under that section.~~ 2120

(C) Nothing in section 4303.29 of the Revised Code shall 2121  
be construed to restrict the issuance of a D permit for an 2122  
exhibition premises. An application for a D permit for an 2123  
exhibition premises is exempt from the population quota 2124  
restrictions contained in section 4303.29 of the Revised Code 2125  
and from the population quota restrictions contained in any rule 2126  
of the liquor control commission. The location of a D permit 2127  
issued for an exhibition premises shall not be transferred. An 2128  
applicant applying for a D-1, D-2, D-3, D-4, or D-5 permit for 2129  
an exhibition premises is not subject to section 4303.31 of the 2130  
Revised Code. 2131

**Sec. 4301.404.** (A) As used in this section, "center for 2132  
the preservation of wild animals" means a conservation center 2133  
located on not less than five thousand acres of land that 2134  
provides scientific, educational, and recreational resources to 2135  
advance the conservation of animal populations and habitats. 2136

(B) Sections 4301.32 to 4301.391 and 4305.14 of the 2137  
Revised Code and the provisions for local option elections and 2138  
the election on the repeal of Ohio Constitution, Article XV, 2139  
Section 9 in section 4303.29 of the Revised Code do not affect 2140  
or prohibit the sale of beer or intoxicating liquor at a center 2141  
for the preservation of wild animals if any permit holder for 2142  
the premises operates pursuant to the authority of a D liquor 2143  
permit issued pursuant to Chapter 4303. of the Revised Code. 2144

~~(C) Permit D-6 shall be issued to the holder of any D- 2145  
permit that authorizes the sale of intoxicating liquor and that 2146  
is issued for a center for the preservation of wild animals to 2147  
allow the sale of intoxicating liquor under the permit at the 2148  
premises between the hours of one p.m. and midnight on Sunday, 2149~~

~~whether or not such sale has been authorized in an election held- 2150~~  
~~under section 4301.351 of the Revised Code. Notwithstanding- 2151~~  
~~section 4301.351 of the Revised Code, the holder of a D permit- 2152~~  
~~issued for a center for the preservation of wild animals may- 2153~~  
~~sell beer on Sunday whether or not the sale of intoxicating- 2154~~  
~~liquor has been authorized in an election held under that- 2155~~  
~~section. 2156~~

**Sec. 4301.82.** (A) As used in this section: 2157

(1) "Qualified permit holder" means the holder of an A-1, 2158  
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 2159  
4303. of the Revised Code. 2160

(2) "D class permit" does not include a D-6 or D-8 permit. 2161

(B) ~~The executive officer of a A~~ municipal corporation or 2162  
~~the fiscal officer of a township may file an application with- 2163~~  
~~the legislative authority of the municipal corporation or- 2164~~  
~~township to have property within the municipal corporation or- 2165~~  
~~township designated as create an outdoor refreshment area or ~~to-~~ 2166  
expand an existing outdoor refreshment area to include 2167  
additional property within the municipal corporation or 2168  
township. ~~The~~ To create an outdoor refreshment area, the 2169  
executive officer of the municipal corporation or the fiscal 2170  
officer of the township shall ensure that the application- 2171  
~~contains all of the following~~ do all of the following: 2172~~

(1) ~~A~~ Ensure that a map or survey of the proposed outdoor 2173  
refreshment area is made in sufficient detail to identify the 2174  
boundaries of the area, ~~which shall not exceed either of the~~ 2175  
~~following, as applicable:~~ 2176

~~(a) Three hundred twenty contiguous acres or one-half-~~ 2177  
~~square mile if the municipal corporation or township has a-~~ 2178

~~population of more than thirty five thousand as specified in~~ 2179  
~~division (D) of this section;~~ 2180

~~(b) One hundred fifty contiguous acres if the municipal~~ 2181  
~~corporation or township has a population of thirty five thousand~~ 2182  
~~or less as specified in division (D) of this section.;~~ 2183

(2) ~~A~~ Create a general statement of the nature and types 2184  
of establishments that will be located within the proposed 2185  
outdoor refreshment area; 2186

(3) ~~A statement~~ Ensure that the proposed outdoor 2187  
refreshment area will encompass not fewer than ~~four~~ two 2188  
qualified permit holders; 2189

(4) ~~Evidence~~ Ensure that the uses of land within the 2190  
proposed outdoor refreshment area are in accord with the master 2191  
zoning plan or map of the municipal corporation or township; 2192

(5) ~~Proposed requirements for the purpose of ensuring~~ 2193  
~~public health and safety within the proposed outdoor refreshment~~ 2194  
~~area~~ Ensure that the ordinance or resolution required under 2195  
division (E) of this section has been adopted. 2196

(C) ~~Within forty five days after the date the application~~ 2197  
~~is filed with the legislative authority of a municipal~~ 2198  
~~corporation or township, the legislative authority shall publish~~ 2199  
~~public notice of the application once a week for two consecutive~~ 2200  
~~weeks in one newspaper of general circulation in the municipal~~ 2201  
~~corporation or township or as provided in section 7.16 of the~~ 2202  
~~Revised Code. The legislative authority shall ensure that the~~ 2203  
~~notice states that the application is on file in the office of~~ 2204  
~~the clerk of the municipal corporation or township and is~~ 2205  
~~available for inspection by the public during regular business~~ 2206  
~~hours. The legislative authority also shall indicate in the~~ 2207

~~notice the date and time of any public hearing to be held~~ 2208  
~~regarding the application by the legislative authority.~~ 2209

~~Not earlier than thirty but not later than sixty days~~ 2210  
~~after the initial publication of notice, the legislative~~ 2211  
~~authority shall approve or disapprove the application by either~~ 2212  
~~ordinance or resolution, as applicable. Approval of an~~ 2213  
~~application requires an affirmative vote of a majority of the~~ 2214  
~~legislative authority. Upon approval of the application by the~~ 2215  
~~legislative authority~~After the executive officer of a municipal 2216  
corporation or the fiscal officer of a township completes the 2217  
tasks in division (B) of this section, the territory described 2218  
in ~~the application~~ that division constitutes an outdoor 2219  
refreshment area. The ~~legislative authority~~ municipal 2220  
corporation or township shall provide notice to the division of 2221  
liquor control and the investigative unit of the department of 2222  
public safety ~~notice of the approval of the application~~ creation 2223  
of an outdoor refreshment area and a description of the area 2224  
specified in the application. If the legislative authority 2225  
~~disapproves the application, the executive officer of a~~ 2226  
~~municipal corporation or fiscal officer of a township may make~~ 2227  
~~changes in the application to secure its approval by the~~ 2228  
~~legislative authority.~~ 2229

~~(D) The creation of outdoor refreshment areas is limited~~ 2230  
~~as follows:~~ 2231

~~(1) A municipal corporation or township with a population~~ 2232  
~~of more than fifty thousand shall not create more than two~~ 2233  
~~outdoor refreshment areas.~~ 2234

~~(2) A municipal corporation or township with a population~~ 2235  
~~of more than thirty five thousand but less than or equal to~~ 2236  
~~fifty thousand shall not create more than one outdoor~~ 2237

~~refreshment area.~~ 2238

~~(3) (a) Except as provided in division (D) (3) (b) of this section, a municipal corporation or township with a population of thirty five thousand or less shall not create an outdoor refreshment area.~~ 2239  
2240  
2241  
2242

~~(b) A municipal corporation or township with a population of thirty five thousand or less may create one outdoor refreshment area if the proposed area will include at least four qualified permit holders and be composed of one hundred fifty or fewer contiguous acres.~~ 2243  
2244  
2245  
2246  
2247

~~For purposes of this section, the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census.~~ 2248  
2249  
2250

~~(E)~~ As soon as possible after receiving notice that an outdoor refreshment area has been ~~approved~~created, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under ~~division (F)~~(E) of this section. 2251  
2252  
2253  
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2263

~~(F) (1) At the time of the creation of an outdoor refreshment area, the~~ (E) (1) The legislative authority of a municipal corporation or township in which such an area is to be 2264  
2265  
2266

located shall adopt an ordinance or resolution, as applicable, 2267  
that establishes requirements the legislative authority 2268  
determines necessary to ensure public health and safety within 2269  
the area. The legislative authority shall include in the 2270  
ordinance or resolution all of the following: 2271

(a) The specific boundaries of the area, including street 2272  
addresses; 2273

(b) The number, spacing, and type of signage designating 2274  
the area; 2275

(c) The hours of operation for the area; 2276

(d) The number of personnel needed to ensure public safety 2277  
in the area; 2278

(e) A sanitation plan that will help maintain the 2279  
appearance and public health of the area; 2280

(f) The number of personnel needed to execute the 2281  
sanitation plan; 2282

(g) A requirement that beer and intoxicating liquor be 2283  
served solely in plastic bottles or other plastic containers in 2284  
the area. 2285

~~The legislative authority may, but is not required to,~~ 2286  
~~include in the ordinance or resolution any public health and~~ 2287  
~~safety requirements proposed in an application under division~~ 2288  
~~(B) of this section to designate or expand the outdoor~~ 2289  
~~refreshment area. The legislative authority may subsequently~~ 2290  
~~modify the public health and safety requirements as determined~~ 2291  
~~necessary by the legislative authority.~~ 2292

(2) Prior to adopting an ordinance or resolution under 2293  
this division, the legislative authority shall give notice of 2294

its proposed action by publication ~~once a week for two~~ 2295  
~~consecutive weeks~~ in one newspaper of general circulation in the 2296  
municipal corporation or township or as provided in section 7.16 2297  
of the Revised Code. 2298

(3) The legislative authority shall provide to the 2299  
division of liquor control and the investigative unit of the 2300  
department of public safety notice of the public health and 2301  
safety requirements established or modified under this division. 2302

~~(G)~~ (F) If an outdoor refreshment area has been created in 2303  
accordance with this section, the holder of an F class permit 2304  
that sponsors an event located in the outdoor refreshment area 2305  
may apply to the division for issuance of an outdoor refreshment 2306  
area designation. The division shall issue such a designation if 2307  
the division determines that the permit holder is in compliance 2308  
with all applicable requirements established under this chapter 2309  
and Chapter 4303. of the Revised Code. An F class permit holder 2310  
that receives a designation under this division shall do both of 2311  
the following: 2312

(1) Comply with all laws, rules, and regulations that 2313  
govern its type of permit, and the applicable public health and 2314  
safety requirements established for the outdoor refreshment area 2315  
under division ~~(F)~~ (E) of this section; 2316

(2) Not block ingress or egress to the outdoor refreshment 2317  
area or any other liquor permit premises located within the 2318  
area. 2319

~~(H)~~ (G) Section 4399.18 of the Revised Code applies to a 2320  
liquor permit holder located within an outdoor refreshment area 2321  
in the same manner as if the liquor permit holder were not 2322  
located in an outdoor refreshment area. 2323

~~(I) (1)~~ (H) (1) Five years after the date of creation of an 2324  
outdoor refreshment area, the legislative authority of the 2325  
municipal corporation or township ~~that~~ in which the area was 2326  
~~created the area~~ under this section shall review the operation 2327  
of the area and shall, by ordinance or resolution, either 2328  
approve the continued operation of the area or dissolve the 2329  
area. Prior to adopting the ordinance or resolution, the 2330  
legislative authority shall give notice of its proposed action 2331  
to the permit holders in the outdoor refreshment area and by 2332  
publication once a week for two consecutive weeks in one 2333  
newspaper of general circulation in the municipal corporation or 2334  
township or as provided in section 7.16 of the Revised Code. 2335

If the legislative authority dissolves the outdoor 2336  
refreshment area, the outdoor refreshment area ceases to exist. 2337  
The legislative authority then shall provide notice of its 2338  
action to the division ~~of liquor control~~ and the investigative 2339  
unit of the department of public safety. Upon receipt of the 2340  
notice, the division shall revoke all outdoor refreshment area 2341  
designations issued to qualified permit holders within the 2342  
dissolved area. If the legislative authority approves the 2343  
continued operation of the outdoor refreshment area, the area 2344  
continues in operation. 2345

(2) Five years after the approval of the continued 2346  
operation of an outdoor refreshment area under division ~~(I) (1)~~ 2347  
(H) (1) of this section, the legislative authority shall conduct 2348  
a review in the same manner as provided in division ~~(I) (1)~~ (H) 2349  
(1) of this section. The legislative authority also shall 2350  
conduct such a review five years after any subsequent approval 2351  
of continued operation under division ~~(I) (2)~~ (H) (2) of this 2352  
section. 2353

~~(J)~~ (I) At any time, the legislative authority of a 2354  
municipal corporation or township in which an outdoor 2355  
refreshment area is located may, by ordinance or resolution, 2356  
dissolve all or a part of the outdoor refreshment area. Prior to 2357  
adopting the resolution or ordinance, the legislative authority 2358  
shall give notice of its proposed action to the permit holders 2359  
in the outdoor refreshment area and by publication once a week 2360  
for two consecutive weeks in one newspaper of general 2361  
circulation in the municipal corporation or township or as 2362  
provided in section 7.16 of the Revised Code. If the legislative 2363  
authority dissolves all or part of an outdoor refreshment area, 2364  
~~the area designated in the ordinance or resolution that area no~~ 2365  
longer constitutes an outdoor refreshment area. The legislative 2366  
authority shall provide notice of its actions to the division ~~of~~ 2367  
~~liquor control~~ and the investigative unit of the department of 2368  
public safety. Upon receipt of the notice, the division shall 2369  
revoke all outdoor refreshment area designations issued to 2370  
qualified permit holders or the holder of an F class permit 2371  
within the dissolved area or portion of the area. 2372

**Sec. 4303.021.** (A) Permit A-1-A may be issued to the 2373  
holder of an A-1, A-1c, A-2, A-2f, or A-3a permit to sell beer 2374  
and any intoxicating liquor at retail, only by the individual 2375  
drink in glass or from a container, provided that one of the 2376  
following applies to the A-1-A permit premises: 2377

(1) It is situated on the same parcel or tract of land as 2378  
the related A-1, A-1c, A-2, A-2f, or A-3a manufacturing permit 2379  
premises. 2380

(2) It is separated from the parcel or tract of land on 2381  
which is located the A-1, A-1c, A-2, A-2f, or A-3a manufacturing 2382  
permit premises only by public streets or highways or by other 2383

lands owned by the holder of the A-1, A-1c, A-2, A-2f, or A-3a 2384  
permit and used by the holder in connection with or in promotion 2385  
of the holder's A-1, A-1c, A-2, A-2f, or A-3a permit business. 2386

(3) In the case of an A-1, A-1c, A-2, or A-2f permit 2387  
holder, it is situated on a parcel or tract of land that is not 2388  
more than one-half mile from the A-1, A-1c, A-2, or A-2f 2389  
manufacturing permit premises. 2390

(4) In the case of an A-3a permit holder, it is situated 2391  
on a parcel or tract of land that is not more than two hundred 2392  
feet from the A-3a manufacturing permit premises. 2393

(B) The fee for this permit is three thousand nine hundred 2394  
six dollars. 2395

(C) (1) The holder of an A-1-A permit may sell beer and any 2396  
intoxicating liquor during the same hours as the holders of D-5 2397  
permits under this chapter or Chapter 4301. of the Revised Code 2398  
or the rules of the liquor control commission~~and~~. Except as 2399  
provided in division (C) (2) of this section, the permit holder 2400  
shall obtain a license as a retail food establishment or a food 2401  
service operation pursuant to Chapter 3717. of the Revised Code 2402  
and operate as a restaurant for purposes of this chapter. 2403

(2) In lieu of obtaining a license as a retail food 2404  
establishment or food service operation, an A-1c permit holder 2405  
may do either of the following: 2406

(a) Serve prepackaged meals and nonalcoholic beverages, as 2407  
well as beer and intoxicating liquor, under the exemption 2408  
provided for under sections 3717.22 and 3717.42 of the Revised 2409  
Code; 2410

(b) Maintain a schedule with the owner or operator of a 2411  
mobile retail food establishment or a mobile food service 2412

operation licensed under Chapter 3717. of the Revised Code to 2413  
serve food to the A-1-A permit holder's customers. The schedule 2414  
shall be in writing and agreed upon a week in advance. In 2415  
addition, the A-1-A permit holder shall maintain the schedule 2416  
for a minimum of one month. 2417

~~(2)~~ 2418

(3) If a permit A-1-A is issued to the holder of an A-1 or 2419  
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 2420  
permit premises dispensed in ~~glass~~ containers with a capacity 2421  
that does not exceed one gallon and not for consumption on the 2422  
premises where sold if all of the following apply: 2423

(a) The A-1-A permit premises is situated in the same 2424  
municipal corporation or township as the related A-1 or A-1c 2425  
manufacturing permit premises. 2426

(b) The containers are sealed, marked, and transported in 2427  
accordance with division (E) of section 4301.62 of the Revised 2428  
Code. 2429

(c) The containers have been cleaned immediately before 2430  
being filled in accordance with rule 4301:1-1-28 of the 2431  
Administrative Code. 2432

(D) Except as otherwise provided in this section, the 2433  
division of liquor control shall not issue a new A-1-A permit to 2434  
the holder of an A-1, A-1c, A-2, A-2f, or A-3a permit unless the 2435  
sale of beer and intoxicating liquor under class D permits is 2436  
permitted in the precinct in which the A-1, A-1c, A-2, A-2f, or 2437  
A-3a permit is located and, in the case of an A-2 or A-2f 2438  
permit, unless the holder of the A-2 or A-2f permit manufactures 2439  
or has a storage capacity of at least twenty-five thousand 2440  
gallons of wine per year. The immediately preceding sentence 2441

does not prohibit the issuance of an A-1-A permit to an 2442  
applicant for such a permit who is the holder of an A-1 permit 2443  
and whose application was filed with the division of liquor 2444  
control before June 1, 1994. The liquor control commission shall 2445  
not restrict the number of A-1-A permits which may be located 2446  
within a precinct. 2447

**Sec. 4303.15.** Permit D-3 may be issued to the owner or 2448  
operator of a hotel, of a retail food establishment or a food 2449  
service operation licensed pursuant to Chapter 3717. of the 2450  
Revised Code that operates as a restaurant for purposes of this 2451  
chapter, or of a club, boat, or vessel, to sell spirituous 2452  
liquor at retail, only by the individual drink in glass or from 2453  
the container, for consumption on the premises where sold. ~~No~~ 2454  
Except as authorized under section 4303.221 or 4303.222 of the 2455  
Revised Code, no sales of intoxicating liquor shall be made by a 2456  
holder of a D-3 permit after one a.m. The fee for this permit is 2457  
seven hundred fifty dollars for each location, boat, or vessel. 2458

**Sec. 4303.171.** Permit D-4a may be issued to an airline 2459  
company that leases and operates a premises exclusively for the 2460  
benefit of the members and their guests of a private club 2461  
sponsored by the airline company, at a publicly owned airport, 2462  
as defined in section 4563.01 of the Revised Code, at which 2463  
commercial airline companies operate regularly scheduled flights 2464  
on which space is available to the public, to sell beer and any 2465  
intoxicating liquor to members of the private club and their 2466  
guests, only by the individual drink in glass and from the 2467  
container, for consumption on the premises where sold. In 2468  
addition to the privileges authorized in this section, the 2469  
holder of a D-4a permit may exercise the same privileges as a 2470  
holder of a D-4 permit. ~~The~~ Except as authorized under section 2471  
4303.221 or 4303.222 of the Revised Code, the holder of a D-4a 2472

permit shall make no sales of beer or intoxicating liquor after 2473  
two-thirty a.m. 2474

A D-4a permit shall not be transferred to another 2475  
location. No quota restriction shall be placed upon the number 2476  
of such permits which may be issued. 2477

The fee for this permit is seven hundred fifty dollars. 2478

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 2479  
owner or operator of a hotel or motel that is required to be 2480  
licensed under section 3731.03 of the Revised Code, that 2481  
contains at least fifty rooms for registered transient guests or 2482  
is owned by a state institution of higher education as defined 2483  
in section 3345.011 of the Revised Code or a private college or 2484  
university, and that qualifies under the other requirements of 2485  
this section, or to the owner or operator of a restaurant 2486  
specified under this section, to sell beer and any intoxicating 2487  
liquor at retail, only by the individual drink in glass and from 2488  
the container, for consumption on the premises where sold, and 2489  
to registered guests in their rooms, which may be sold by means 2490  
of a controlled access alcohol and beverage cabinet in 2491  
accordance with division (B) of section 4301.21 of the Revised 2492  
Code; and to sell the same products in the same manner and 2493  
amounts not for consumption on the premises as may be sold by 2494  
holders of D-1 and D-2 permits. The premises of the hotel or 2495  
motel shall include a retail food establishment or a food 2496  
service operation licensed pursuant to Chapter 3717. of the 2497  
Revised Code that operates as a restaurant for purposes of this 2498  
chapter and that is affiliated with the hotel or motel and 2499  
within or contiguous to the hotel or motel, and that serves food 2500  
within the hotel or motel, but the principal business of the 2501  
owner or operator of the hotel or motel shall be the 2502

accommodation of transient guests. In addition to the privileges 2503  
authorized in this division, the holder of a D-5a permit may 2504  
exercise the same privileges as the holder of a D-5 permit. 2505

The owner or operator of a hotel, motel, or restaurant who 2506  
qualified for and held a D-5a permit on August 4, 1976, may, if 2507  
the owner or operator held another permit before holding a D-5a 2508  
permit, either retain a D-5a permit or apply for the permit 2509  
formerly held, and the division of liquor control shall issue 2510  
the permit for which the owner or operator applies and formerly 2511  
held, notwithstanding any quota. 2512

A D-5a permit shall not be transferred to another 2513  
location. No quota restriction shall be placed on the number of 2514  
D-5a permits that may be issued. 2515

The fee for this permit is two thousand three hundred 2516  
forty-four dollars. 2517

(B) Permit D-5b may be issued to the owner, operator, 2518  
tenant, lessee, or occupant of an enclosed shopping center to 2519  
sell beer and intoxicating liquor at retail, only by the 2520  
individual drink in glass and from the container, for 2521  
consumption on the premises where sold; and to sell the same 2522  
products in the same manner and amount not for consumption on 2523  
the premises as may be sold by holders of D-1 and D-2 permits. 2524  
In addition to the privileges authorized in this division, the 2525  
holder of a D-5b permit may exercise the same privileges as a 2526  
holder of a D-5 permit. 2527

A D-5b permit shall not be transferred to another 2528  
location. 2529

One D-5b permit may be issued at an enclosed shopping 2530  
center containing at least two hundred twenty-five thousand, but 2531

less than four hundred thousand, square feet of floor area. 2532

Two D-5b permits may be issued at an enclosed shopping 2533  
center containing at least four hundred thousand square feet of 2534  
floor area. No more than one D-5b permit may be issued at an 2535  
enclosed shopping center for each additional two hundred 2536  
thousand square feet of floor area or fraction of that floor 2537  
area, up to a maximum of five D-5b permits for each enclosed 2538  
shopping center. The number of D-5b permits that may be issued 2539  
at an enclosed shopping center shall be determined by 2540  
subtracting the number of D-3 and D-5 permits issued in the 2541  
enclosed shopping center from the number of D-5b permits that 2542  
otherwise may be issued at the enclosed shopping center under 2543  
the formulas provided in this division. Except as provided in 2544  
this section, no quota shall be placed on the number of D-5b 2545  
permits that may be issued. Notwithstanding any quota provided 2546  
in this section, the holder of any D-5b permit first issued in 2547  
accordance with this section is entitled to its renewal in 2548  
accordance with section 4303.271 of the Revised Code. 2549

The holder of a D-5b permit issued before April 4, 1984, 2550  
whose tenancy is terminated for a cause other than nonpayment of 2551  
rent, may return the D-5b permit to the division of liquor 2552  
control, and the division shall cancel that permit. Upon 2553  
cancellation of that permit and upon the permit holder's payment 2554  
of taxes, contributions, premiums, assessments, and other debts 2555  
owing or accrued upon the date of cancellation to this state and 2556  
its political subdivisions and a filing with the division of a 2557  
certification of that payment, the division shall issue to that 2558  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 2559  
as that person requests. The division shall issue the D-5 2560  
permit, or the D-1, D-2, and D-3 permits, even if the number of 2561  
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 2562

corporation or in the unincorporated area of the township where 2563  
that person's proposed premises is located equals or exceeds the 2564  
maximum number of such permits that can be issued in that 2565  
municipal corporation or in the unincorporated area of that 2566  
township under the population quota restrictions contained in 2567  
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 2568  
permit so issued shall not be transferred to another location. 2569  
If a D-5b permit is canceled under the provisions of this 2570  
paragraph, the number of D-5b permits that may be issued at the 2571  
enclosed shopping center for which the D-5b permit was issued, 2572  
under the formula provided in this division, shall be reduced by 2573  
one if the enclosed shopping center was entitled to more than 2574  
one D-5b permit under the formula. 2575

The fee for this permit is two thousand three hundred 2576  
forty-four dollars. 2577

(C) Permit D-5c may be issued to the owner or operator of 2578  
a retail food establishment or a food service operation licensed 2579  
pursuant to Chapter 3717. of the Revised Code that operates as a 2580  
restaurant for purposes of this chapter and that qualifies under 2581  
the other requirements of this section to sell beer and any 2582  
intoxicating liquor at retail, only by the individual drink in 2583  
glass and from the container, for consumption on the premises 2584  
where sold, and to sell the same products in the same manner and 2585  
amounts not for consumption on the premises as may be sold by 2586  
holders of D-1 and D-2 permits. In addition to the privileges 2587  
authorized in this division, the holder of a D-5c permit may 2588  
exercise the same privileges as the holder of a D-5 permit. 2589

To qualify for a D-5c permit, the owner or operator of a 2590  
retail food establishment or a food service operation licensed 2591  
pursuant to Chapter 3717. of the Revised Code that operates as a 2592

restaurant for purposes of this chapter, shall have operated the 2593  
restaurant at the proposed premises for not less than twenty- 2594  
four consecutive months immediately preceding the filing of the 2595  
application for the permit, have applied for a D-5 permit no 2596  
later than December 31, 1988, and appear on the division's quota 2597  
waiting list for not less than six months immediately preceding 2598  
the filing of the application for the permit. In addition to 2599  
these requirements, the proposed D-5c permit premises shall be 2600  
located within a municipal corporation and further within an 2601  
election precinct that, at the time of the application, has no 2602  
more than twenty-five per cent of its total land area zoned for 2603  
residential use. 2604

A D-5c permit shall not be transferred to another 2605  
location. No quota restriction shall be placed on the number of 2606  
such permits that may be issued. 2607

Any person who has held a D-5c permit for at least two 2608  
years may apply for a D-5 permit, and the division of liquor 2609  
control shall issue the D-5 permit notwithstanding the quota 2610  
restrictions contained in section 4303.29 of the Revised Code or 2611  
in any rule of the liquor control commission. 2612

The fee for this permit is one thousand five hundred 2613  
sixty-three dollars. 2614

(D) (1) Permit D-5d may be issued to the owner or operator 2615  
of a retail food establishment or a food service operation 2616  
licensed pursuant to Chapter 3717. of the Revised Code that 2617  
operates as a restaurant for purposes of this chapter and that 2618  
is located at an airport operated by a board of county 2619  
commissioners pursuant to section 307.20 of the Revised Code, at 2620  
an airport operated by a port authority pursuant to Chapter 2621  
4582. of the Revised Code, or at an airport operated by a 2622

regional airport authority pursuant to Chapter 308. of the 2623  
Revised Code. ~~The~~ 2624

(2) The holder of a D-5d permit may sell beer either of 2625  
the following: 2626

(a) Beer and any intoxicating liquor at retail, only by 2627  
the individual drink in glass and from the container, for 2628  
consumption on the premises where sold, and may sell the. In 2629  
addition, such consumption may occur in the area of the airport 2630  
that is restricted to persons taking flights to and from the 2631  
airport, provided both all of the following apply: 2632

(i) The airport is a public use airport, as defined in 2633  
section 4563.30 of the Revised Code; 2634

(ii) The D-5d permit holder is located in the area of the 2635  
airport that is restricted to persons taking flights to and from 2636  
the airport; 2637

(iii) The airport's governing body authorizes the 2638  
consumption of beer and intoxicating liquor in that area. 2639

(b) The same products in the same manner and amounts not 2640  
for consumption on the premises where sold as may be sold by the 2641  
holders of D-1 and D-2 permits. ~~In~~ 2642

In addition to the privileges authorized in ~~this~~ division 2643  
(D) of this section, the holder of a D-5d permit may exercise 2644  
the same privileges as the holder of a D-5 permit. 2645

(3) A D-5d permit shall not be transferred to another 2646  
location. No quota restrictions shall be placed on the number of 2647  
such permits that may be issued. 2648

(4) The fee for ~~this~~ the D-5d permit is two thousand three 2649  
hundred forty-four dollars. 2650

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

(1) Is permanently docked at one location;

(2) Is designated as an historical riverboat by the Ohio history connection;

(3) Contains not less than fifteen hundred square feet of floor area;

(4) Has a seating capacity of fifty or more persons.

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority.

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5f permit shall not be transferred to another location.

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by

the glass is prohibited. 2707

A fee for this permit is two thousand three hundred forty- 2708  
four dollars. 2709

As used in this division, "navigable river" means a river 2710  
that is also a "navigable water" as defined in the "Federal 2711  
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 2712

(G) Permit D-5g may be issued to a nonprofit corporation 2713  
that is either the owner or the operator of a national 2714  
professional sports museum. The holder of a D-5g permit may sell 2715  
beer and any intoxicating liquor at retail, only by the 2716  
individual drink in glass and from the container, for 2717  
consumption on the premises where sold. ~~The~~ Except as authorized 2718  
under section 4303.221 or 4303.222 of the Revised Code, the 2719  
holder of a D-5g permit shall sell no beer or intoxicating 2720  
liquor for consumption on the premises where sold after two- 2721  
thirty a.m. A D-5g permit shall not be transferred to another 2722  
location. No quota restrictions shall be placed on the number of 2723  
D-5g permits that may be issued. The fee for this permit is one 2724  
thousand eight hundred seventy-five dollars. 2725

(H) (1) Permit D-5h may be issued to any nonprofit 2726  
organization that is exempt from federal income taxation under 2727  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2728  
501(c) (3), as amended, that owns or operates any of the 2729  
following: 2730

(a) A fine arts museum, provided that the nonprofit 2731  
organization has no less than one thousand five hundred bona 2732  
fide members possessing full membership privileges; 2733

(b) A community arts center. As used in division (H) (1) (b) 2734  
of this section, "community arts center" means a facility that 2735

provides arts programming to the community in more than one arts 2736  
discipline, including, but not limited to, exhibits of works of 2737  
art and performances by both professional and amateur artists. 2738

(c) A community theater, provided that the nonprofit 2739  
organization is a member of the Ohio arts council and the 2740  
American community theatre association and has been in existence 2741  
for not less than ten years. As used in division (H) (1) (c) of 2742  
this section, "community theater" means a facility that contains 2743  
at least one hundred fifty seats and has a primary function of 2744  
presenting live theatrical performances and providing 2745  
recreational opportunities to the community. 2746

(2) The holder of a D-5h permit may sell beer and any 2747  
intoxicating liquor at retail, only by the individual drink in 2748  
glass and from the container, for consumption on the premises 2749  
where sold. ~~The~~ Except as authorized under section 4303.221 or 2750  
4303.222 of the Revised Code, the holder of a D-5h permit shall 2751  
sell no beer or intoxicating liquor for consumption on the 2752  
premises where sold after one a.m. A D-5h permit shall not be 2753  
transferred to another location. No quota restrictions shall be 2754  
placed on the number of D-5h permits that may be issued. 2755

(3) The fee for a D-5h permit is one thousand eight 2756  
hundred seventy-five dollars. 2757

(I) Permit D-5i may be issued to the owner or operator of 2758  
a retail food establishment or a food service operation licensed 2759  
under Chapter 3717. of the Revised Code that operates as a 2760  
restaurant for purposes of this chapter and that meets all of 2761  
the following requirements: 2762

(1) It is located in a municipal corporation or a township 2763  
with a population of one hundred thousand or less. 2764

(2) It has inside seating capacity for at least one	2765
hundred forty persons.	2766
(3) It has at least four thousand square feet of floor	2767
area.	2768
(4) It offers full-course meals, appetizers, and	2769
sandwiches.	2770
(5) Its receipts from beer and liquor sales, excluding	2771
wine sales, do not exceed twenty-five per cent of its total	2772
gross receipts.	2773
(6) It has at least one of the following characteristics:	2774
(a) The value of its real and personal property exceeds	2775
seven hundred twenty-five thousand dollars.	2776
(b) It is located on property that is owned or leased by	2777
the state or a state agency, and its owner or operator has	2778
authorization from the state or the state agency that owns or	2779
leases the property to obtain a D-5i permit.	2780
The holder of a D-5i permit may sell beer and any	2781
intoxicating liquor at retail, only by the individual drink in	2782
glass and from the container, for consumption on the premises	2783
where sold, and may sell the same products in the same manner	2784
and amounts not for consumption on the premises where sold as	2785
may be sold by the holders of D-1 and D-2 permits. <del>The Except as</del>	2786
<u>authorized under section 4303.221 or 4303.222 of the Revised</u>	2787
<u>Code, the</u> holder of a D-5i permit shall sell no beer or	2788
intoxicating liquor for consumption on the premises where sold	2789
after two-thirty a.m. In addition to the privileges authorized	2790
in this division, the holder of a D-5i permit may exercise the	2791
same privileges as the holder of a D-5 permit.	2792

A D-5i permit shall not be transferred to another 2793  
location. The division of liquor control shall not renew a D-5i 2794  
permit unless the retail food establishment or food service 2795  
operation for which it is issued continues to meet the 2796  
requirements described in divisions (I) (1) to (6) of this 2797  
section. No quota restrictions shall be placed on the number of 2798  
D-5i permits that may be issued. The fee for the D-5i permit is 2799  
two thousand three hundred forty-four dollars. 2800

(J) Permit D-5j may be issued to the owner or the operator 2801  
of a retail food establishment or a food service operation 2802  
licensed under Chapter 3717. of the Revised Code to sell beer 2803  
and intoxicating liquor at retail, only by the individual drink 2804  
in glass and from the container, for consumption on the premises 2805  
where sold and to sell beer and intoxicating liquor in the same 2806  
manner and amounts not for consumption on the premises where 2807  
sold as may be sold by the holders of D-1 and D-2 permits. The 2808  
holder of a D-5j permit may exercise the same privileges, and 2809  
shall observe the same hours of operation, as the holder of a D- 2810  
5 permit. 2811

The D-5j permit shall be issued only within a community 2812  
entertainment district that is designated under section 4301.80 2813  
of the Revised Code. The permit shall not be issued to a 2814  
community entertainment district that is designated under 2815  
divisions (B) and (C) of section 4301.80 of the Revised Code if 2816  
the district does not meet one of the following qualifications: 2817

(1) It is located in a municipal corporation with a 2818  
population of at least one hundred thousand. 2819

(2) It is located in a municipal corporation with a 2820  
population of at least twenty thousand, and either of the 2821  
following applies: 2822

- (a) It contains an amusement park the rides of which have  
been issued a permit by the department of agriculture under  
Chapter 1711. of the Revised Code.
- (b) Not less than fifty million dollars will be invested  
in development and construction in the community entertainment  
district's area located in the municipal corporation.
- (3) It is located in a township with a population of at  
least forty thousand.
- (4) It is located in a township with a population of at  
least twenty thousand, and not less than seventy million dollars  
will be invested in development and construction in the  
community entertainment district's area located in the township.
- (5) It is located in a municipal corporation with a  
population between seven thousand and twenty thousand, and both  
of the following apply:
- (a) The municipal corporation was incorporated as a  
village prior to calendar year 1880 and currently has a historic  
downtown business district.
- (b) The municipal corporation is located in the same  
county as another municipal corporation with at least one  
community entertainment district.
- (6) It is located in a municipal corporation with a  
population of at least ten thousand, and not less than seventy  
million dollars will be invested in development and construction  
in the community entertainment district's area located in the  
municipal corporation.
- (7) It is located in a municipal corporation with a  
population of at least three thousand, and not less than one

hundred fifty million dollars will be invested in development 2851  
and construction in the community entertainment district's area 2852  
located in the municipal corporation. 2853

The location of a D-5j permit may be transferred only 2854  
within the geographic boundaries of the community entertainment 2855  
district in which it was issued and shall not be transferred 2856  
outside the geographic boundaries of that district. 2857

Not more than one D-5j permit shall be issued within each 2858  
community entertainment district for each five acres of land 2859  
located within the district. Not more than fifteen D-5j permits 2860  
may be issued within a single community entertainment district. 2861  
Except as otherwise provided in division (J) (4) of this section, 2862  
no quota restrictions shall be placed upon the number of D-5j 2863  
permits that may be issued. 2864

The fee for a D-5j permit is two thousand three hundred 2865  
forty-four dollars. 2866

(K) (1) Permit D-5k may be issued to any nonprofit 2867  
organization that is exempt from federal income taxation under 2868  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 2869  
501(c) (3), as amended, that is the owner or operator of a 2870  
botanical garden recognized by the American association of 2871  
botanical gardens and arboreta, and that has not less than 2872  
twenty-five hundred bona fide members. 2873

(2) The holder of a D-5k permit may sell beer and any 2874  
intoxicating liquor at retail, only by the individual drink in 2875  
glass and from the container, on the premises where sold. 2876

(3) ~~The~~ Except as authorized under section 4303.221 or 2877  
4303.222 of the Revised Code, the holder of a D-5k permit shall 2878  
sell no beer or intoxicating liquor for consumption on the 2879

premises where sold after one a.m. 2880

(4) A D-5k permit shall not be transferred to another 2881  
location. 2882

(5) No quota restrictions shall be placed on the number of 2883  
D-5k permits that may be issued. 2884

(6) The fee for the D-5k permit is one thousand eight 2885  
hundred seventy-five dollars. 2886

(L) (1) Permit D-5l may be issued to the owner or the 2887  
operator of a retail food establishment or a food service 2888  
operation licensed under Chapter 3717. of the Revised Code to 2889  
sell beer and intoxicating liquor at retail, only by the 2890  
individual drink in glass and from the container, for 2891  
consumption on the premises where sold and to sell beer and 2892  
intoxicating liquor in the same manner and amounts not for 2893  
consumption on the premises where sold as may be sold by the 2894  
holders of D-1 and D-2 permits. The holder of a D-5l permit may 2895  
exercise the same privileges, and shall observe the same hours 2896  
of operation, as the holder of a D-5 permit. 2897

(2) The D-5l permit shall be issued only to a premises to 2898  
which all of the following apply: 2899

(a) The premises has gross annual receipts from the sale 2900  
of food and meals that constitute not less than seventy-five per 2901  
cent of its total gross annual receipts. 2902

(b) The premises is located within a revitalization 2903  
district that is designated under section 4301.81 of the Revised 2904  
Code. 2905

(c) The premises is located in a municipal corporation or 2906  
township in which the number of D-5 permits issued equals or 2907

exceeds the number of those permits that may be issued in that 2908  
municipal corporation or township under section 4303.29 of the 2909  
Revised Code. 2910

(d) The premises meets any of the following 2911  
qualifications: 2912

(i) It is located in a county with a population of one 2913  
hundred twenty-five thousand or less according to the population 2914  
estimates certified by the development services agency for 2915  
calendar year 2006. 2916

(ii) It is located in the municipal corporation that has 2917  
the largest population in a county when the county has a 2918  
population between two hundred fifteen thousand and two hundred 2919  
twenty-five thousand according to the population estimates 2920  
certified by the development services agency for calendar year 2921  
2006. Division (L) (2) (d) (ii) of this section applies only to a 2922  
municipal corporation that is wholly located in a county. 2923

(iii) It is located in the municipal corporation that has 2924  
the largest population in a county when the county has a 2925  
population between one hundred forty thousand and one hundred 2926  
forty-one thousand according to the population estimates 2927  
certified by the development services agency for calendar year 2928  
2006. Division (L) (2) (d) (iii) of this section applies only to a 2929  
municipal corporation that is wholly located in a county. 2930

(iv) It is located in a township with a population density 2931  
of less than four hundred fifty people per square mile. For 2932  
purposes of division (L) (2) (d) (iv) of this section, the 2933  
population of a township is considered to be the population 2934  
shown by the most recent regular federal decennial census. 2935

(v) It is located in a municipal corporation that is 2936

wholly located within the geographic boundaries of a township, 2937  
provided that the municipal corporation and the unincorporated 2938  
portion of the township have a combined population density of 2939  
less than four hundred fifty people per square mile. For 2940  
purposes of division (L) (2) (d) (v) of this section, the 2941  
population of a municipal corporation and unincorporated portion 2942  
of a township is the population shown by the most recent federal 2943  
decennial census. 2944

(vi) It is located in a county with a population of not 2945  
less than one hundred seventy-two thousand and not more than one 2946  
hundred ninety-five thousand. For purposes of division (L) (2) (d) 2947  
(vi) of this section, the population of a county is the 2948  
population shown by the most recent decennial census. 2949

(vii) It is located in a municipal corporation with a 2950  
population of less than ten thousand and the municipal 2951  
corporation is located in a county with a population of more 2952  
than one million. For purposes of division (L) (2) (d) (vii) of 2953  
this section, the population of a municipal corporation and a 2954  
county is the population shown by the most recent decennial 2955  
census. 2956

(3) The location of a D-51 permit may be transferred only 2957  
within the geographic boundaries of the revitalization district 2958  
in which it was issued and shall not be transferred outside the 2959  
geographic boundaries of that district. 2960

(4) Not more than one D-51 permit shall be issued within 2961  
each revitalization district for each five acres of land located 2962  
within the district. Not more than fifteen D-51 permits may be 2963  
issued within a single revitalization district. Except as 2964  
otherwise provided in division (L) (4) of this section, no quota 2965  
restrictions shall be placed upon the number of D-51 permits 2966

that may be issued. 2967

(5) No D-5l permit shall be issued to an adult 2968  
entertainment establishment as defined in section 2907.39 of the 2969  
Revised Code. 2970

(6) The fee for a D-5l permit is two thousand three 2971  
hundred forty-four dollars. 2972

(M) Permit D-5m may be issued to either the owner or the 2973  
operator of a retail food establishment or food service 2974  
operation licensed under Chapter 3717. of the Revised Code that 2975  
operates as a restaurant for purposes of this chapter and that 2976  
is located in, or affiliated with, a center for the preservation 2977  
of wild animals as defined in section 4301.404 of the Revised 2978  
Code, to sell beer and any intoxicating liquor at retail, only 2979  
by the glass and from the container, for consumption on the 2980  
premises where sold, and to sell the same products in the same 2981  
manner and amounts not for consumption on the premises as may be 2982  
sold by the holders of D-1 and D-2 permits. In addition to the 2983  
privileges authorized by this division, the holder of a D-5m 2984  
permit may exercise the same privileges as the holder of a D-5 2985  
permit. 2986

A D-5m permit shall not be transferred to another 2987  
location. No quota restrictions shall be placed on the number of 2988  
D-5m permits that may be issued. The fee for a permit D-5m is 2989  
two thousand three hundred forty-four dollars. 2990

(N) Permit D-5n shall be issued to either a casino 2991  
operator or a casino management company licensed under Chapter 2992  
3772. of the Revised Code that operates a casino facility under 2993  
that chapter, to sell beer and any intoxicating liquor at 2994  
retail, only by the individual drink in glass and from the 2995

container, for consumption on the premises where sold, and to 2996  
sell the same products in the same manner and amounts not for 2997  
consumption on the premises as may be sold by the holders of D-1 2998  
and D-2 permits. In addition to the privileges authorized by 2999  
this division, the holder of a D-5n permit may exercise the same 3000  
privileges as the holder of a D-5 permit. A D-5n permit shall 3001  
not be transferred to another location. Only one D-5n permit may 3002  
be issued per casino facility and not more than four D-5n 3003  
permits shall be issued in this state. The fee for a permit D-5n 3004  
shall be twenty thousand dollars. The holder of a D-5n permit 3005  
may conduct casino gaming on the permit premises notwithstanding 3006  
any provision of the Revised Code or Administrative Code. 3007

(O) Permit D-5o may be issued to the owner or operator of 3008  
a retail food establishment or a food service operation licensed 3009  
under Chapter 3717. of the Revised Code that operates as a 3010  
restaurant for purposes of this chapter and that is located 3011  
within a casino facility for which a D-5n permit has been 3012  
issued. The holder of a D-5o permit may sell beer and any 3013  
intoxicating liquor at retail, only by the individual drink in 3014  
glass and from the container, for consumption on the premises 3015  
where sold, and may sell the same products in the same manner 3016  
and amounts not for consumption on the premises where sold as 3017  
may be sold by the holders of D-1 and D-2 permits. In addition 3018  
to the privileges authorized by this division, the holder of a 3019  
D-5o permit may exercise the same privileges as the holder of a 3020  
D-5 permit. A D-5o permit shall not be transferred to another 3021  
location. No quota restrictions shall be placed on the number of 3022  
such permits that may be issued. The fee for this permit is two 3023  
thousand three hundred forty-four dollars. 3024

Sec. 4303.182. (A) As used in this section: 3025

(1) "Dry location" means a particular retail permit premises or agency store to which both of the following apply: 3026  
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(a) Immediately prior to the effective date of this section, the sale of beer or intoxicating liquor was authorized on Monday through Saturday at the particular retail permit premises or agency store, but was prohibited on Sunday. 3028  
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(b) The majority of the voters of the precinct in which the particular retail permit premises or agency store is located voted "no" on the sale of beer, wine, mixed beverages, or spirituous liquor on Sunday at that particular premises or agency store in the ten years immediately prior to the effective date of this section and have not subsequently voted "yes" for that particular premises. 3032  
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(2) "Dry precinct" means a precinct or portion of a precinct to which both of the following apply: 3039  
3040

(a) Immediately prior to the effective date of this section, the sale of beer or intoxicating liquor was authorized on Monday through Saturday, but was prohibited on Sunday. 3041  
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(b) The majority of the voters of the precinct or portion of the precinct voted "no" on the sale of beer, wine, mixed beverages, or spirituous liquor on Sunday for the precinct or portion of the precinct in the ten years immediately prior to the effective date of this section and have not subsequently voted "yes." 3044  
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(3) "Retail permit " means an A-1-A, A-2, A-2f, A-3a, A-5, or class C or D permit. 3050  
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(B) (1) Except for a retail permit holder or agency store that is a dry location or located in a dry precinct, a retail permit holder or an agency store may sell beer, wine, mixed 3052  
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beverages, or spirituous liquor, as applicable, on Sunday during 3055  
the same hours that the permit holder or contract holder may 3056  
sell those products on Monday through Saturday. 3057

(2) An A-1 or A-1c permit holder may sell beer on Sunday 3058  
during the same hours that the permit holder may sell beer on 3059  
Monday through Saturday. 3060

(3) An F class permit holder may sell beer, wine, mixed 3061  
beverages, or spirituous liquor, as applicable, on Sunday during 3062  
the same hours that the permit holder may sell those products on 3063  
Monday through Saturday. 3064

**Sec. 4303.184.** (A) Subject to division (B) of this 3065  
section, a D-8 permit may be issued to any of the following: 3066

(1) An agency store; 3067

(2) The holder of a C-1, C-2, or C-2x permit issued to a 3068  
retail store that has any of the following characteristics: 3069

(a) The store has at least five thousand five hundred 3070  
square feet of floor area, and it generates more than sixty per 3071  
cent of its sales in general merchandise items and food for 3072  
consumption off the premises where sold. 3073

(b) The store is located in a municipal corporation or 3074  
township with a population of five thousand or less, has at 3075  
least four thousand five hundred square feet of floor area, and 3076  
generates more than sixty per cent of its sales in general 3077  
merchandise items and food for consumption off the premises 3078  
where sold. 3079

(c) Wine constitutes at least sixty per cent of the value 3080  
of the store's inventory. 3081

(3) The holder of both a C-1 and C-2 permit, or the holder 3082

of a C-2x permit, issued to a retail store that is located 3083  
within a municipal corporation or township with a population of 3084  
fifteen thousand or less. 3085

(B) A D-8 permit may be issued to the holder of a C-1, C- 3086  
2, or C-2x permit only if the premises of the permit holder are 3087  
located in a precinct, or at a particular location in a 3088  
precinct, in which the sale of beer, wine, or mixed beverages is 3089  
permitted for consumption off the premises where sold. Sales 3090  
under a D-8 permit are not affected by whether sales for 3091  
consumption on the premises where sold are permitted in the 3092  
precinct or at the particular location where the D-8 premises 3093  
are located. 3094

(C) (1) The holder of a D-8 permit described in division 3095  
(A) (2) or (3) of this section may sell tasting samples of beer, 3096  
wine, and mixed beverages, but not spirituous liquor, at retail, 3097  
for consumption on the premises where sold in an amount not to 3098  
exceed two ounces or another amount designated by rule of the 3099  
liquor control commission. A tasting sample shall not be sold 3100  
for general consumption. 3101

(2) The holder of a D-8 permit described in division (A) 3102  
(1) of this section may allow the sale of tasting samples of 3103  
spirituous liquor in accordance with section 4301.171 of the 3104  
Revised Code. 3105

(3) No D-8 permit holder described in division (A) (2) or 3106  
(3) of this section shall allow any authorized purchaser to 3107  
consume more than four tasting samples of beer, wine, or mixed 3108  
beverages, or any combination of beer, wine, or mixed beverages, 3109  
per day. 3110

(D) (1) Notwithstanding sections 4303.11 and 4303.121 of 3111

the Revised Code, the holder of a D-8 permit described in 3112  
division (A) (2) or (3) of this section may sell beer that is 3113  
dispensed from containers that have a capacity equal to or 3114  
greater than five and one-sixth gallons if all of the following 3115  
conditions are met: 3116

(a) A product registration fee for the beer has been paid 3117  
as required in division (A) (8) (b) of section 4301.10 of the 3118  
Revised Code. 3119

(b) The beer is dispensed only in glass containers whose 3120  
capacity does not exceed one gallon and not for consumption on 3121  
the premises where sold. 3122

(c) The containers are sealed, marked, and transported in 3123  
accordance with division (E) of section 4301.62 of the Revised 3124  
Code. 3125

(d) The containers have been cleaned immediately before 3126  
being filled in accordance with rule 4301:1-1-28 of the 3127  
Administrative Code. 3128

(2) Beer that is sold and dispensed under division (D) (1) 3129  
of this section is subject to both of the following: 3130

(a) All applicable rules adopted by the liquor control 3131  
commission, including, but not limited to, rule 4301:1-1-27 and 3132  
rule 4301:1-1-72 of the Administrative Code; 3133

(b) All applicable federal laws and regulations. 3134

(E) The privileges authorized for the holder of a D-8 3135  
permit described in division (A) (2) or (3) of this section may 3136  
only be exercised in conjunction with and during the hours of 3137  
operation authorized by a C-1, C-2, or C-2x, ~~or D-6~~ permit. 3138

(F) A D-8 permit shall not be transferred to another 3139

location. 3140

(G) The fee for the D-8 permit is five hundred dollars. 3141

**Sec. 4303.19.** Permit E may be issued to the owner or 3142  
operator of any railroad, a sleeping car company operating 3143  
dining cars, buffet cars, club cars, lounge cars, or similar 3144  
equipment, or an airline providing charter or regularly 3145  
scheduled aircraft transportation service with dining, buffet, 3146  
club, lounge, or similar facilities, to sell beer or any 3147  
intoxicating liquor in any such car or aircraft to bona fide 3148  
passengers at retail in glass and from the container for 3149  
consumption in such car or aircraft, including sale on Sunday 3150  
~~between the hours of one p.m. and midnight.~~ The fee for this 3151  
permit is five hundred dollars. 3152

**Sec. 4303.202.** (A) The division of liquor control may 3153  
issue an F-2 permit to an association or corporation, or to a 3154  
recognized subordinate lodge, chapter, or other local unit of an 3155  
association or corporation, to sell beer or intoxicating liquor 3156  
by the individual drink at an event to be held on premises 3157  
located in a political subdivision or part thereof where the 3158  
sale of beer or intoxicating liquor, but not spirituous liquor, 3159  
on that day is otherwise permitted by law. However, the division 3160  
may issue the F-2 permit only if the association, corporation, 3161  
or recognized subordinate lodge, chapter, or other local unit of 3162  
an association or corporation meets all of the following: 3163

(1) It is organized not for profit; 3164

(2) It is operated for a charitable, cultural, 3165  
educational, fraternal, or political purpose; 3166

(3) It is not affiliated with the holder of any class of 3167  
liquor permit, other than a D-4 permit. 3168

~~(B) Sales under an F-2 permit on Sundays are not affected by whether Sunday sales of beer or intoxicating liquor for consumption on the premises where sold are allowed to be made by persons holding another type of permit in the precinct or at the particular location where the event is to be held, provided that the F-2 permit is issued for other days of the week in addition to Sunday.~~ 3169  
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~~(C)~~ The premises on which the permit is to be used shall be clearly defined and sufficiently restricted to allow proper supervision of the permit use by state and local law enforcement personnel. An F-2 permit may be issued for the same premises for which another class of permit is issued. 3176  
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~~(D)~~ (C) (1) No F-2 permit shall be effective for more than four consecutive days, and sales shall be confined to the same hours permitted to the holder of a D-3 permit. The division shall not issue more than one F-2 permit in a thirty-day period to the same association, corporation, or local unit of an association or corporation. The fee for an F-2 permit is one hundred fifty dollars. 3181  
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(2) No association, corporation, local unit of an association or corporation, or D-permit holder who holds an F-2 permit shall sell beer or intoxicating liquor beyond the hours of sale allowed by the permit. Division ~~(D)~~ ~~(2)~~ (C) of this section imposes strict liability on the holder of such permit and on any officer, agent, or employee of such permit holder. 3188  
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~~(E)~~ (D) If an applicant wishes the holder of a D permit issued under sections 4303.13 to 4303.181 of the Revised Code to conduct the sale of beer and intoxicating liquor at the event, the applicant may request that the F-2 permit be issued jointly to the association, corporation, or local unit and the D-permit 3194  
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holder. If a permit is issued jointly, the association, 3199  
corporation, or local unit and the D-permit holder shall both be 3200  
held responsible for any conduct that violates laws pertaining 3201  
to the sale of alcoholic beverages, including sales by the D- 3202  
permit holder; otherwise, the association, corporation, or local 3203  
unit shall be held responsible. In addition to the permit fee 3204  
paid by the association, corporation, or local unit, the D- 3205  
permit holder shall pay a fee of ten dollars. A D-permit holder 3206  
may receive an unlimited number of joint F-2 permits. 3207

~~(F)~~(E) (1) Any association, corporation, or local unit 3208  
applying for an F-2 permit shall file with the application a 3209  
statement of the organizational purpose of the association, 3210  
corporation, or local unit, the location and purpose of the 3211  
event, and a list of its officers. The application form shall 3212  
contain a notice that a person who knowingly makes a false 3213  
statement on the application or statement is guilty of the crime 3214  
of falsification, a misdemeanor of the first degree. In ruling 3215  
on an application, the division shall consider, among other 3216  
things, the past activities of the association, corporation, or 3217  
local unit and any D-permit holder while operating under other 3218  
F-2 permits, the location of the event for which the current 3219  
application is made, and any objections of local residents or 3220  
law enforcement authorities. If the division approves the 3221  
application, it shall send copies of the approved application to 3222  
the proper law enforcement authorities prior to the scheduled 3223  
event. 3224

(2) Notwithstanding section 1711.09 of the Revised Code, 3225  
this section applies to any association or corporation or a 3226  
recognized subordinate lodge, chapter, or other local unit of an 3227  
association or corporation. 3228

~~(G)~~ (F) Using the procedures of Chapter 119. of the 3229  
Revised Code, the liquor control commission may adopt such rules 3230  
as are necessary to administer this section. 3231

**Sec. 4303.205.** (A) As used in this section: 3232

(1) "Festival" means an event organized by a nonprofit 3233  
organization that includes food, music, and entertainment and 3234  
the participation of at least five riverboats. 3235

(2) "Nonprofit organization" has the same meaning as in 3236  
section 4303.201 of the Revised Code. 3237

(B) The division of liquor control may issue an F-5 permit 3238  
to the owner or operator of a riverboat that has a capacity in 3239  
excess of fifty-five persons, that is not regularly docked in 3240  
this state, and whose owner or operator has entered into a 3241  
written contract with a nonprofit organization for the riverboat 3242  
to participate in a festival. 3243

(C) The holder of an F-5 permit may sell beer and any 3244  
intoxicating liquor, only by the individual drink in glass and 3245  
from the container, for consumption on the premises where sold 3246  
until one a.m., on any day of the week, ~~including Sunday.~~ 3247

(D) The division shall prepare and make available an F-5 3248  
permit application form and may require applicants for the 3249  
permit to provide information, in addition to that required by 3250  
this section, that is necessary for the administration of this 3251  
section. 3252

(E) Sales under an F-5 permit are not affected by whether 3253  
sales of beer or intoxicating liquor for consumption on the 3254  
premises where sold are permitted to be made by persons holding 3255  
another type of permit in the precinct or at the particular 3256  
location where the riverboat is located. 3257

(F) No F-5 permit shall be in effect for more than six 3258  
consecutive days. 3259

(G) The division shall not issue more than one F-5 permit 3260  
in any one calendar year for the same riverboat. 3261

(H) The fee for an F-5 permit is one hundred eighty 3262  
dollars. 3263

Sec. 4303.2011. (A) As used in this section, "nonprofit 3264  
organization" means a corporation, association, group, 3265  
institution, society, or other organization that: 3266

(1) Is exempt from federal income taxation; 3267

(2) Has a membership of two hundred fifty or more persons. 3268

(B) The division of liquor control may issue an F-11 3269  
permit to a nonprofit organization to conduct an event if the 3270  
event has all of the following characteristics: 3271

(1) The event is coordinated by the nonprofit organization 3272  
and the nonprofit organization is responsible for the activities 3273  
at the event. 3274

(2) One of the event's purposes is the introduction, 3275  
showcasing, or promotion of craft beers manufactured in this 3276  
state. 3277

(3) The event includes the sale of food for consumption on 3278  
the premises where sold. 3279

(4) The event features at least twenty A-1c permit 3280  
holders, who are members of the nonprofit organization that has 3281  
organized the event, as participants. The nonprofit organization 3282  
may allow any number of A-1 permit holders to participate in the 3283  
event. 3284

(C) An F-11 permit holder may sell, at the event, beer 3285  
that it has purchased from the A-1 or A-1c permit holders that 3286  
are participating in the event. The F-11 permit holder may sell 3287  
the beer in four-ounce samples or in containers not exceeding 3288  
sixteen ounces for consumption on the premises where sold. 3289

The F-11 permit holder may sell beer on the F-11 permit 3290  
premises only where and when the sale of beer is otherwise 3291  
permitted by law. 3292

(D) The F-11 permit holder shall clearly define and 3293  
sufficiently restrict the premises of the event to allow proper 3294  
enforcement of the permit by state and local law enforcement 3295  
officers. If an F-11 permit is issued for all or a portion of 3296  
the same premises for which another class of permit is issued, 3297  
that permit holder's privileges are suspended in that portion of 3298  
the premises in which the F-11 permit is in effect. 3299

(E) (1) No F-11 permit is effective for more than seventy- 3300  
two consecutive hours. However, for purposes of an exposition at 3301  
the state fairgrounds, an F-11 permit is effective for the 3302  
duration of the exposition. 3303

(2) No sales of beer shall take place under an F-11 permit 3304  
after one a.m. 3305

(F) The division shall not issue more than six F-11 3306  
permits to the same nonprofit organization in any one calendar 3307  
year. 3308

(G) An applicant for an F-11 permit shall apply for the 3309  
permit not later than thirty days prior to the first day of the 3310  
event for which the permit is sought. In the application, the 3311  
applicant shall list all of the A-1 and A-1c permit holders that 3312  
will participate in the event. The fee for the F-11 permit is 3313

sixty dollars for each day of the event. 3314

The division shall prepare and make available an F-11 3315  
permit application form and may require applicants for and 3316  
holders of the F-11 permit to provide information that is in 3317  
addition to that required by this section and that is necessary 3318  
for the administration of this section. 3319

(H) (1) An F-11 permit holder is responsible, and is 3320  
subject to penalties, for any violations of this chapter or 3321  
Chapter 4301. of the Revised Code that occur during the event. 3322

(2) An F-11 permit holder shall not allow an A-1 or A-1c 3323  
permit holder to participate in the event if the A-1 or A-1c 3324  
permit or, if applicable, the A-1-A permit of that A-1 or A-1c 3325  
permit holder is under suspension. 3326

(3) The division may refuse to issue an F-11 permit to an 3327  
applicant if both of the following apply: 3328

(a) The applicant has pleaded guilty to or has been 3329  
convicted of violating this chapter or Chapter 4301. of the 3330  
Revised Code while operating under a previously issued F-11 3331  
permit. 3332

(b) The violation occurred within the two years preceding 3333  
the filing of the new F-11 permit application. 3334

(I) Notwithstanding any provision of section 4301.24 of 3335  
the Revised Code or any rule adopted by the liquor control 3336  
commission to the contrary, employees of an A-1 or A-1c permit 3337  
holder or B-1 permit holder, or employees or agents of a B-1 3338  
permit holder may assist an F-11 permit holder in serving beer 3339  
at an event for which an F-11 permit is issued. 3340

**Sec. 4303.221.** Notwithstanding any provision of the 3341

Revised Code that restricts the hours of sale of beer and 3342  
intoxicating liquor, the division of liquor control may issue a 3343  
J permit to the holder of an A-1-A, A-1c, A-2, A-2f, A-3a, C 3344  
class, or D class permit to extend the hours of operation of the 3345  
applicable permit. A J permit holder may sell beer, wine, mixed 3346  
beverages, or spirituous liquor, as applicable, until four a.m. 3347  
on Saturday and Sunday only. 3348

The fee for the J permit is one hundred dollars. 3349

**Sec. 4303.222.** (A) As used in this section, "permit" means 3350  
an A-1-A, A-1c, A-2, A-2f, A-3a, C-1, C-2, D-1, D-2, D-3, D-3a, 3351  
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 3352  
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. 3353

(B) The division of liquor control shall issue a K permit 3354  
to the holder of a permit to sell beer, wine, mixed beverages, 3355  
or spirituous liquor, as applicable, twenty-four hours a day 3356  
Monday through Sunday if both of the following apply: 3357

(1) The sale of beer, wine, mixed beverages, or spirituous 3358  
liquor, as applicable, during those hours has been approved 3359  
under question (E) or (F) of section 4301.35 of the Revised 3360  
Code; and 3361

(2) Such sales are authorized under section 4301.36 of the 3362  
Revised Code. Any such sales shall take place under the 3363  
restrictions of that authorization. 3364

(C) The fee for the K permit is one hundred dollars. 3365

**Sec. 4303.30.** The rights granted by any D-2, D-3, D-3a, D- 3366  
4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D- 3367  
5k, D-5l, D-5m, D-5n, ~~or D-5o, or D-6~~ permit shall be exercised 3368  
at not more than two fixed counters, commonly known as bars, in 3369  
rooms or places on the permit premises, where beer, mixed 3370

beverages, wine, or spirituous liquor is sold to the public for 3371  
consumption on the premises. For each additional fixed counter 3372  
on the permit premises where those beverages are sold for 3373  
consumption on the premises, the permit holder shall obtain a 3374  
duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D- 3375  
5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or~~ 3376  
~~D-6~~ permit. 3377

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D- 3378  
5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, 3379  
or D-5o, ~~or~~ D-6 permit shall be granted, upon application to the 3380  
division of liquor control, a duplicate D-2, D-3, D-3a, D-4, D- 3381  
4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, 3382  
D-5l, D-5m, D-5n, or D-5o, ~~or~~ D-6 permit for each additional 3383  
fixed counter on the permit premises at which beer, mixed 3384  
beverages, wine, or spirituous liquor is sold for consumption on 3385  
the premises, provided the application is made in the same 3386  
manner as an application for an original permit. The application 3387  
shall be identified with DUPLICATE printed on the permit 3388  
application form furnished by the department, in boldface type. 3389  
The application shall identify by name, or otherwise amply 3390  
describe, the room or place on the premises where the duplicate 3391  
permit is to be operative. Each duplicate permit shall be issued 3392  
only to the same individual, firm, or corporation as that of the 3393  
original permit and shall be an exact duplicate in size and word 3394  
content as the original permit, except that it shall show on it 3395  
the name or other ample identification of the room, or place, 3396  
for which it is issued and shall have DUPLICATE printed on it in 3397  
boldface type. A duplicate permit shall bear the same number as 3398  
the original permit. The fee for a duplicate permit is: D-1, one 3399  
hundred dollars; D-2, one hundred dollars; D-3, four hundred 3400  
dollars; D-3a, four hundred dollars; D-4, two hundred dollars; 3401

D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one thousand dollars; D-5c, four hundred dollars; D-5e, six hundred fifty dollars; D-5f, one thousand dollars; D-5o, one thousand dollars; ~~D-6, one hundred dollars when issued to the holder of a D-4a permit;~~ and in all other cases one hundred dollars or an amount which is twenty per cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, and D-5o, and ~~D-6~~ permits issued to the same premises, whichever is higher. Application for a duplicate permit may be filed any time during the life of an original permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, or D-5o, ~~or D-6~~ permit shall be paid in accordance with section 4303.24 of the Revised Code.

**Sec. 4303.99.** (A) Whoever violates section 4303.28 of the Revised Code shall be fined not less than one thousand nor more than twenty-five hundred dollars or imprisoned not less than six months nor more than one year.

(B) Whoever violates section 4303.36 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars.

(C) Whoever violates section 4303.37 of the Revised Code shall be fined not less than twenty-five nor more than fifty dollars.

(D) Whoever violates division ~~(D)~~ (C) (2) of section 4303.202 or division (C) of section 4303.208 of the Revised Code is guilty of a misdemeanor of the fourth degree.

**Section 2.** That existing sections 3717.22, 3717.42, 4301.03, 4301.171, 4301.22, 4301.24, 4301.322, 4301.33,

4301.332, 4301.333, 4301.334, 4301.35, 4301.351, 4301.353, 3431  
4301.354, 4301.355, 4301.356, 4301.36, 4301.361, 4301.364, 3432  
4301.365, 4301.366, 4301.37, 4301.403, 4301.404, 4301.82, 3433  
4303.021, 4303.15, 4303.171, 4303.181, 4303.184, 4303.19, 3434  
4303.202, 4303.205, 4303.30, and 4303.99 of the Revised Code are 3435  
hereby repealed. 3436

**Section 3.** That section 4303.182 of the Revised Code is 3437  
hereby repealed. 3438

**Section 4.** (A) As used in this section: 3439

(1) "Order" means any executive order addressing COVID-19 3440  
or any other order related to such an executive order. 3441

(2) "Permitting authority" means a board of health, the 3442  
Department of Health, the Division of Liquor Control, or the 3443  
Liquor Control Commission. 3444

(3) "Retail permit holder" means an A-1, A-1-A, A-1c, A-2, 3445  
A-2f, A-3a, E, or class C or D permit issued under Chapter 4303. 3446  
of the Revised Code. 3447

(B) Notwithstanding any provision of law to the contrary, 3448  
a permitting authority shall not take any disciplinary action 3449  
or, if disciplinary action has been initiated, shall cease 3450  
taking such action, against a retail permit holder if both of 3451  
the following apply: 3452

(1) The disciplinary action is based on a violation of an 3453  
order and the violation occurred prior to June 1, 2020. 3454

(2) Other than violating the order, the retail permit 3455  
holder operated in compliance with the retail permit holder's 3456  
liquor permit. 3457

**Section 5.** On the effective date of this section, if a 3458

board of elections is in the process of reviewing a petition 3459  
submitted under Chapter 4301. of the Revised Code, as that 3460  
chapter existed prior to its amendment by this act, calling for 3461  
the submission of a question or questions authorizing Sunday 3462  
sales of beer, wine, mixed beverages, or spirituous liquor on 3463  
the ballot of the next general election or a special election 3464  
conducted on the day of the next primary election, the board 3465  
shall do either of the following, as applicable: 3466

(A) If ballots have not been printed, remove the question 3467  
or questions submitted to the board for placement on the ballot 3468  
of the next general election or a special election conducted on 3469  
the day of the next primary election; 3470

(B) If ballots have been printed with the question or 3471  
questions on them, post a notice at each polling place on the 3472  
day of the election, and enclose with each absent voter's ballot 3473  
given or mailed after the question or questions are to be 3474  
removed, a notice that votes for the removed question or 3475  
questions will be void and will not be counted. If the question 3476  
or questions are not removed from all ballots before the day of 3477  
the election, the votes for the removed question or questions 3478  
are void and shall not be counted. 3479

**Section 6.** The provisions of this act are severable as 3480  
provided in section 1.50 of the Revised Code. 3481