

As Introduced

131st General Assembly

Regular Session

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H. B. No. 393

Representative Blessing

Cosponsors: Representatives Maag, Becker, Lepore-Hagan, Driehaus

A BILL

To amend section 4301.62 of the Revised Code to 1
allow a person to possess an open container of 2
beer or intoxicating liquor on the premises of a 3
market if the beer or intoxicating liquor was 4
purchased from an adjacent D permit premises and 5
the market is hosting an event pursuant to an F- 6
8 permit held for the market and grants 7
permission for the possession and consumption 8
within the defined F-8 permit premises. 9

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

Section 1. That section 4301.62 of the Revised Code be 10
amended to read as follows: 11

Sec. 4301.62. (A) As used in this section: 12

(1) "Chauffeured limousine" means a vehicle registered 13
under section 4503.24 of the Revised Code. 14

(2) "Street," "highway," and "motor vehicle" have the same 15
meanings as in section 4511.01 of the Revised Code. 16

(B) No person shall have in the person's possession an 17

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| opened container of beer or intoxicating liquor in any of the | 18 |
| following circumstances: | 19 |
| (1) Except as provided in division (C) (1) (e) of this | 20 |
| section, in an agency store; | 21 |
| (2) Except as provided in division (C) of this section, on | 22 |
| the premises of the holder of any permit issued by the division | 23 |
| of liquor control; | 24 |
| (3) In any other public place; | 25 |
| (4) Except as provided in division (D) or (E) of this | 26 |
| section, while operating or being a passenger in or on a motor | 27 |
| vehicle on any street, highway, or other public or private | 28 |
| property open to the public for purposes of vehicular travel or | 29 |
| parking; | 30 |
| (5) Except as provided in division (D) or (E) of this | 31 |
| section, while being in or on a stationary motor vehicle on any | 32 |
| street, highway, or other public or private property open to the | 33 |
| public for purposes of vehicular travel or parking. | 34 |
| (C) (1) A person may have in the person's possession an | 35 |
| opened container of any of the following: | 36 |
| (a) Beer or intoxicating liquor that has been lawfully | 37 |
| purchased for consumption on the premises where bought from the | 38 |
| holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, | 39 |
| D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, | 40 |
| D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or | 41 |
| F-8 permit; | 42 |
| (b) Beer, wine, or mixed beverages served for consumption | 43 |
| on the premises by the holder of an F-3 permit or wine served | 44 |
| for consumption on the premises by the holder of an F-4 or F-6 | 45 |

permit; 46

(c) Beer or intoxicating liquor consumed on the premises 47
of a convention facility as provided in section 4303.201 of the 48
Revised Code; 49

(d) Beer or intoxicating liquor to be consumed during 50
tastings and samplings approved by rule of the liquor control 51
commission; 52

(e) Spirituous liquor to be consumed for purposes of a 53
tasting sample, as defined in section 4301.171 of the Revised 54
Code. 55

(2) A person may have in the person's possession on an F 56
liquor permit premises an opened container of beer or 57
intoxicating liquor that was not purchased from the holder of 58
the F permit if the premises for which the F permit is issued is 59
a music festival and the holder of the F permit grants 60
permission for that possession on the premises during the period 61
for which the F permit is issued. As used in this division, 62
"music festival" means a series of outdoor live musical 63
performances, extending for a period of at least three 64
consecutive days and located on an area of land of at least 65
forty acres. 66

(3) (a) A person may have in the person's possession on a 67
D-2 liquor permit premises an opened or unopened container of 68
wine that was not purchased from the holder of the D-2 permit if 69
the premises for which the D-2 permit is issued is an outdoor 70
performing arts center, the person is attending an orchestral 71
performance, and the holder of the D-2 permit grants permission 72
for the possession and consumption of wine in certain 73
predesignated areas of the premises during the period for which 74

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| the D-2 permit is issued. | 75 |
| (b) As used in division (C) (3) (a) of this section: | 76 |
| (i) "Orchestral performance" means a concert comprised of | 77 |
| a group of not fewer than forty musicians playing various | 78 |
| musical instruments. | 79 |
| (ii) "Outdoor performing arts center" means an outdoor | 80 |
| performing arts center that is located on not less than one | 81 |
| hundred fifty acres of land and that is open for performances | 82 |
| from the first day of April to the last day of October of each | 83 |
| year. | 84 |
| (4) A person may have in the person's possession an opened | 85 |
| or unopened container of beer or intoxicating liquor at an | 86 |
| outdoor location at which the person is attending an orchestral | 87 |
| performance as defined in division (C) (3) (b) (i) of this section | 88 |
| if the person with supervision and control over the performance | 89 |
| grants permission for the possession and consumption of beer or | 90 |
| intoxicating liquor in certain predesignated areas of that | 91 |
| outdoor location. | 92 |
| (5) A person may have in the person's possession on an F-9 | 93 |
| liquor permit premises an opened or unopened container of beer | 94 |
| or intoxicating liquor that was not purchased from the holder of | 95 |
| the F-9 permit if the person is attending an orchestral | 96 |
| performance and the holder of the F-9 permit grants permission | 97 |
| for the possession and consumption of beer or intoxicating | 98 |
| liquor in certain predesignated areas of the premises during the | 99 |
| period for which the F-9 permit is issued. | 100 |
| As used in division (C) (5) of this section, "orchestral | 101 |
| performance" has the same meaning as in division (C) (3) (b) of | 102 |
| this section. | 103 |

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| (6) (a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply: | 104 105 106 107 108 |
| (i) The person is attending a racing event at the facility; and | 109 110 |
| (ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility. | 111 112 113 |
| (b) As used in division (C) (6) (a) of this section: | 114 |
| (i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations. | 115 116 117 |
| (ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply: | 118 119 |
| (I) It is two and four-tenths miles or more in length. | 120 |
| (II) It is located on two hundred acres or more of land. | 121 |
| (III) The primary business of the owner of the facility is the hosting and promoting of racing events. | 122 123 |
| (IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility. | 124 125 |
| (7) (a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified | 126 127 128 129 130 |

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| permit holder to which both of the following apply: | 131 |
| (i) The permit holder's premises is located within the outdoor refreshment area. | 132 133 |
| (ii) The permit held by the permit holder has an outdoor refreshment area designation. | 134 135 |
| (b) Division (C) (7) of this section does not authorize a person to do either of the following: | 136 137 |
| (i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere; | 138 139 140 |
| (ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under division (D) or (E) of this section. | 141 142 143 144 145 146 |
| <u>(8) (a) A person may have in the person's possession on the property of a market, within the defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:</u> | 147 148 149 150 151 |
| <u>(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;</u> | 152 153 154 |
| <u>(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A) (3) of section 4303.208 of the Revised Code.</u> | 155 156 157 158 |

(b) As used in division (C) (8) of this section, market 159
means a market, for which an F-8 permit is held, that has been 160
in operation since 1860. 161

(D) This section does not apply to a person who pays all 162
or a portion of the fee imposed for the use of a chauffeured 163
limousine pursuant to a prearranged contract, or the guest of 164
the person, when all of the following apply: 165

(1) The person or guest is a passenger in the limousine. 166

(2) The person or guest is located in the limousine, but 167
is not occupying a seat in the front compartment of the 168
limousine where the operator of the limousine is located. 169

(3) The limousine is located on any street, highway, or 170
other public or private property open to the public for purposes 171
of vehicular travel or parking. 172

(E) An opened bottle of wine that was purchased from the 173
holder of a permit that authorizes the sale of wine for 174
consumption on the premises where sold is not an opened 175
container for the purposes of this section if both of the 176
following apply: 177

(1) The opened bottle of wine is securely resealed by the 178
permit holder or an employee of the permit holder before the 179
bottle is removed from the premises. The bottle shall be secured 180
in such a manner that it is visibly apparent if the bottle has 181
been subsequently opened or tampered with. 182

(2) The opened bottle of wine that is resealed in 183
accordance with division (E) (1) of this section is stored in the 184
trunk of a motor vehicle or, if the motor vehicle does not have 185
a trunk, behind the last upright seat or in an area not normally 186
occupied by the driver or passengers and not easily accessible 187

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| by the driver. | 188 |
| (F) (1) Except if an ordinance or resolution is enacted or adopted under division (F) (2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply: | 189 190 191 192 193 |
| (a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking. | 194 195 196 |
| (b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. | 197 198 199 |
| (c) The person has in their possession on the commercial quadricycle an opened container of beer or wine. | 200 201 |
| (d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine. | 202 203 204 |
| (2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine. | 205 206 207 208 |
| (3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements: | 209 210 211 212 |
| (a) It has four wheels and is operated in a manner similar to a bicycle. | 213 214 |
| (b) It has at least five seats for passengers. | 215 |

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| (c) It is designed to be powered by the pedaling of the operator and the passengers. | 216 217 |
| (d) It is used for commercial purposes. | 218 |
| (e) It is operated by the vehicle owner or an employee of the owner. | 219 220 |
| Section 2. That existing section 4301.62 of the Revised Code is hereby repealed. | 221 222 |