

As Introduced

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Representatives Hambley, Sweeney

Cosponsors: Representatives Stein, Becker, Young, Perales, Rezabek, Boggs, Kent, Scherer, Dever, West, Hill, Carfagna, Brenner, Henne, Thompson, Ingram, Kick, Howse, Reineke, Brinkman, Manning, Rogers, Cera, Celebrezze, Sheehy

A BILL

To amend sections 4301.62 and 4303.2010 and to 1
enact sections 901.172 and 4303.2011 of the 2
Revised Code to create the F-11 liquor permit to 3
authorize the sale of beer under specified 4
circumstances at a farmers market and to 5
authorize the Department of Agriculture to 6
promote the use of Ohio-produced agricultural 7
goods grown for inclusion in beer or cider 8
through a promotional program. 9

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

Section 1. That sections 4301.62 and 4303.2010 be amended 10
and sections 901.172 and 4303.2011 of the Revised Code be 11
enacted to read as follows: 12

Sec. 901.172. (A) As used in this section, "beer" and 13
"cider" have the same meanings as in section 4301.01 of the 14
Revised Code. 15

(B) The department of agriculture may promote the use of 16

Ohio-produced agricultural goods grown for inclusion in beer or 17
cider through the issuance of logotypes to qualified producers 18
and processors under a promotional certification program to be 19
developed and administered by the division of markets. The 20
program shall be entitled "Ohio Proud Craft Beer." 21

Pursuant to rules adopted under Chapter 119. of the 22
Revised Code, the department may establish reasonable fees and 23
criteria for participation in the program. All such fees shall 24
be credited to the general revenue fund and used to finance the 25
program. 26

Sec. 4301.62. (A) As used in this section: 27

(1) "Chauffeured limousine" means a vehicle registered 28
under section 4503.24 of the Revised Code. 29

(2) "Street," "highway," and "motor vehicle" have the same 30
meanings as in section 4511.01 of the Revised Code. 31

(B) No person shall have in the person's possession an 32
opened container of beer or intoxicating liquor in any of the 33
following circumstances: 34

(1) Except as provided in division (C) (1) ~~(e)~~ (h) of this 35
section, in an agency store; 36

(2) Except as provided in division (C) of this section, on 37
the premises of the holder of any permit issued by the division 38
of liquor control; 39

(3) In any other public place; 40

(4) Except as provided in division (D) or (E) of this 41
section, while operating or being a passenger in or on a motor 42
vehicle on any street, highway, or other public or private 43
property open to the public for purposes of vehicular travel or 44

parking; 45

(5) Except as provided in division (D) or (E) of this 46
section, while being in or on a stationary motor vehicle on any 47
street, highway, or other public or private property open to the 48
public for purposes of vehicular travel or parking. 49

(C) (1) A person may have in the person's possession an 50
opened container of any of the following: 51

(a) Beer or intoxicating liquor that has been lawfully 52
purchased for consumption on the premises where bought from the 53
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 54
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 55
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F- 56
7, or F-8 permit; 57

(b) Beer, wine, or mixed beverages served for consumption 58
on the premises by the holder of an F-3 permit, ~~wine~~; 59

(c) Wine served as a tasting sample by an A-2 or A-2f 60
permit holder or S permit holder for consumption on the premises 61
of a farmers market for which an F-10 permit has been issued, ~~or~~ 62
~~wine~~; 63

(d) Beer served as a tasting sample by a brewer, as 64
defined in section 4303.2011 of the Revised Code, for 65
consumption on the premises of a farmers market for which an F- 66
11 permit has been issued; 67

(e) Wine served for consumption on the premises by the 68
holder of an F-4 or F-6 permit; 69

~~(e)~~ (f) Beer or intoxicating liquor consumed on the 70
premises of a convention facility as provided in section 71
4303.201 of the Revised Code; 72

~~(d)~~ (g) Beer or intoxicating liquor to be consumed during 73
tastings and samplings approved by rule of the liquor control 74
commission; 75

~~(e)~~ (h) Spirituous liquor to be consumed for purposes of a 76
tasting sample, as defined in section 4301.171 of the Revised 77
Code. 78

(2) A person may have in the person's possession on an F 79
liquor permit premises an opened container of beer or 80
intoxicating liquor that was not purchased from the holder of 81
the F permit if the premises for which the F permit is issued is 82
a music festival and the holder of the F permit grants 83
permission for that possession on the premises during the period 84
for which the F permit is issued. As used in this division, 85
"music festival" means a series of outdoor live musical 86
performances, extending for a period of at least three 87
consecutive days and located on an area of land of at least 88
forty acres. 89

(3) (a) A person may have in the person's possession on a 90
D-2 liquor permit premises an opened or unopened container of 91
wine that was not purchased from the holder of the D-2 permit if 92
the premises for which the D-2 permit is issued is an outdoor 93
performing arts center, the person is attending an orchestral 94
performance, and the holder of the D-2 permit grants permission 95
for the possession and consumption of wine in certain 96
predesignated areas of the premises during the period for which 97
the D-2 permit is issued. 98

(b) As used in division (C) (3) (a) of this section: 99

(i) "Orchestral performance" means a concert comprised of 100
a group of not fewer than forty musicians playing various 101

musical instruments.	102
(ii) "Outdoor performing arts center" means an outdoor	103
performing arts center that is located on not less than one	104
hundred fifty acres of land and that is open for performances	105
from the first day of April to the last day of October of each	106
year.	107
(4) A person may have in the person's possession an opened	108
or unopened container of beer or intoxicating liquor at an	109
outdoor location at which the person is attending an orchestral	110
performance as defined in division (C) (3) (b) (i) of this section	111
if the person with supervision and control over the performance	112
grants permission for the possession and consumption of beer or	113
intoxicating liquor in certain predesignated areas of that	114
outdoor location.	115
(5) A person may have in the person's possession on an F-9	116
liquor permit premises an opened or unopened container of beer	117
or intoxicating liquor that was not purchased from the holder of	118
the F-9 permit if the person is attending either of the	119
following:	120
(a) An orchestral performance and the F-9 permit holder	121
grants permission for the possession and consumption of beer or	122
intoxicating liquor in certain predesignated areas of the	123
premises during the period for which the F-9 permit is issued;	124
(b) An outdoor performing arts event or orchestral	125
performance that is free of charge and the F-9 permit holder	126
annually hosts not less than twenty-five other events or	127
performances that are free of charge on the permit premises.	128
As used in division (C) (5) of this section, "orchestral	129
performance" has the same meaning as in division (C) (3) (b) of	130

this section.	131
(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:	132 133 134 135 136
(i) The person is attending a racing event at the facility; and	137 138
(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.	139 140 141
(b) As used in division (C) (6) (a) of this section:	142
(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.	143 144 145
(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:	146 147
(I) It is two and four-tenths miles or more in length.	148
(II) It is located on two hundred acres or more of land.	149
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	150 151
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	152 153
(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	154 155 156 157

beer or intoxicating liquor was purchased from a qualified 158
permit holder to which both of the following apply: 159

(i) The permit holder's premises is located within the 160
outdoor refreshment area. 161

(ii) The permit held by the permit holder has an outdoor 162
refreshment area designation. 163

(b) Division (C) (7) of this section does not authorize a 164
person to do either of the following: 165

(i) Enter the premises of an establishment within an 166
outdoor refreshment area while possessing an opened container of 167
beer or intoxicating liquor acquired elsewhere; 168

(ii) Possess an opened container of beer or intoxicating 169
liquor while being in or on a motor vehicle within an outdoor 170
refreshment area, unless the motor vehicle is stationary and is 171
not being operated in a lane of vehicular travel or unless the 172
possession is otherwise authorized under division (D) or (E) of 173
this section. 174

(8) (a) A person may have in the person's possession on the 175
property of a market, within a defined F-8 permit premises, an 176
opened container of beer or intoxicating liquor that was 177
purchased from a D permit premises that is located immediately 178
adjacent to the market if both of the following apply: 179

(i) The market grants permission for the possession and 180
consumption of beer and intoxicating liquor within the defined 181
F-8 permit premises; 182

(ii) The market is hosting an event pursuant to an F-8 183
permit and the market has notified the division of liquor 184
control about the event in accordance with division (A) (3) of 185

section 4303.208 of the Revised Code.	186
(b) As used in division (C) (8) of this section, "market"	187
means a market, for which an F-8 permit is held, that has been	188
in operation since 1860.	189
(D) This section does not apply to a person who pays all	190
or a portion of the fee imposed for the use of a chauffeured	191
limousine pursuant to a prearranged contract, or the guest of	192
the person, when all of the following apply:	193
(1) The person or guest is a passenger in the limousine.	194
(2) The person or guest is located in the limousine, but	195
is not occupying a seat in the front compartment of the	196
limousine where the operator of the limousine is located.	197
(3) The limousine is located on any street, highway, or	198
other public or private property open to the public for purposes	199
of vehicular travel or parking.	200
(E) An opened bottle of wine that was purchased from the	201
holder of a permit that authorizes the sale of wine for	202
consumption on the premises where sold is not an opened	203
container for the purposes of this section if both of the	204
following apply:	205
(1) The opened bottle of wine is securely resealed by the	206
permit holder or an employee of the permit holder before the	207
bottle is removed from the premises. The bottle shall be secured	208
in such a manner that it is visibly apparent if the bottle has	209
been subsequently opened or tampered with.	210
(2) The opened bottle of wine that is resealed in	211
accordance with division (E) (1) of this section is stored in the	212
trunk of a motor vehicle or, if the motor vehicle does not have	213

a trunk, behind the last upright seat or in an area not normally 214
occupied by the driver or passengers and not easily accessible 215
by the driver. 216

(F) (1) Except if an ordinance or resolution is enacted or 217
adopted under division (F) (2) of this section, this section does 218
not apply to a person who, pursuant to a prearranged contract, 219
is a passenger riding on a commercial quadricycle when all of 220
the following apply: 221

(a) The person is not occupying a seat in the front of the 222
commercial quadricycle where the operator is steering or 223
braking. 224

(b) The commercial quadricycle is being operated on a 225
street, highway, or other public or private property open to the 226
public for purposes of vehicular travel or parking. 227

(c) The person has in their possession on the commercial 228
quadricycle an opened container of beer or wine. 229

(d) The person has in their possession on the commercial 230
quadricycle not more than either thirty-six ounces of beer or 231
eighteen ounces of wine. 232

(2) The legislative authority of a municipal corporation 233
or township may enact an ordinance or adopt a resolution, as 234
applicable, that prohibits a passenger riding on a commercial 235
quadricycle from possessing an opened container of beer or wine. 236

(3) As used in this section, "commercial quadricycle" 237
means a vehicle that has fully-operative pedals for propulsion 238
entirely by human power and that meets all of the following 239
requirements: 240

(a) It has four wheels and is operated in a manner similar 241

to a bicycle.	242
(b) It has at least five seats for passengers.	243
(c) It is designed to be powered by the pedaling of the operator and the passengers.	244 245
(d) It is used for commercial purposes.	246
(e) It is operated by the vehicle owner or an employee of the owner.	247 248
(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.	249 250 251 252 253
As used in division (G) of this section, "market" means an establishment that:	254 255
(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;	256 257 258 259
(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;	260 261
(3) Hosts a farmer's market on each Saturday from April through December.	262 263
Sec. 4303.2010. (A) As used in this section:	264
(1) "Farmers market" means a farmers market registered with the director of agriculture under section 3717.221 of the Revised Code. "Farmers market" does not include a for-profit farmers market, a farmers market located at a rest area within	265 266 267 268

the limits of the right-of-way of an interstate highway, a 269
farmers market located at a service facility as defined in 270
Chapter 5537. of the Revised Code that is along the Ohio 271
turnpike, or a farmers market with fewer than five farmers 272
market participants. 273

(2) "A-2 permit holder" means an A-2 or A-2f permit holder 274
that produces less than two hundred and fifty thousand gallons 275
of wine per year. 276

(B) The division of liquor control may issue an F-10 277
permit to a person who organizes a farmers market. Pursuant to 278
the permit, the F-10 permit holder may allow a farmers market 279
participant that is an A-2 permit holder or S permit holder to 280
do the following at the location of the farmers market: 281

(1) Sell tasting samples of wine manufactured by the A-2 282
permit holder or S permit holder for consumption on the premises 283
where the farmers market is located; 284

(2) Sell wine manufactured by the A-2 permit holder or S 285
permit holder in sealed containers for consumption off the 286
premises where the farmers market is located. 287

(C) An applicant for an F-10 permit shall submit an 288
application for the permit to the division of liquor control. 289
The application shall include the location of the farmers market 290
that is the subject of the application. 291

(D) The premises of the farmers market for which the F-10 292
permit is issued shall be clearly defined and sufficiently 293
restricted to allow proper enforcement of the permit by state 294
and local law enforcement officers. If an F-10 permit is issued 295
for all or a portion of the same premises for which another 296
class of permit is issued, the division of liquor control shall 297

suspend that permit holder's privileges in that portion of the 298
premises in which the F-10 permit is in effect. However, an F-10 299
permit and an F-11 permit may be valid concurrently if both 300
permits are issued to the same person. 301

(E) No A-2 permit holder or S permit holder shall do any 302
of the following at a farmers market for which an F-10 permit 303
has been issued: 304

(1) Sell a tasting sample in an amount that exceeds one 305
ounce; 306

(2) Sell more than one sample of each wine offered for 307
sale to any one person; 308

(3) Sell more than five varieties of wine as tasting 309
samples per day; 310

(4) Sell a variety of wine that is offered for 311
distribution by a wholesale distributor in any state. Division 312
(E) (4) of this section does not apply to a variety of wine 313
solely distributed by the A-2 permit holder or S permit holder. 314

(5) Sell more than four and one-half liters of wine per 315
household for off-premises consumption under division (B) (2) of 316
this section; 317

(6) Allow any person other than the A-2 permit holder or S 318
permit holder, a member of the applicable permit holder's 319
family, or an employee of the applicable permit holder to sell 320
wine. 321

(F) The F-10 permit is effective for nine months. The 322
permit is not renewable. However, a person who organizes a 323
farmers market may re-apply for a new permit. The fee for the F- 324
10 permit is one hundred dollars. 325

(G) An A-2 permit holder or S permit holder shall not 326
conduct the activities described in division (B) of this section 327
unless the sale of wine for consumption on the premises and the 328
sale of wine for consumption off the premises is authorized in 329
the election precinct in which the farmers market that is the 330
subject of the F-10 permit is located. 331

(H) No F-10 permit holder shall allow more than four A-2 332
permit holders, four S permit holders, or a combination of four 333
A-2 permit holders and S permit holders per day to conduct the 334
activities described in division (B) of this section on the 335
premises of the applicable farmers market. 336

Sec. 4303.2011. (A) As used in this section: 337

(1) "Farmers market" has the same meaning as in section 338
4303.2010 of the Revised Code. 339

(2) "Brewer" means an S permit holder that produces not 340
more than thirty-one million gallons of beer in a calendar year 341
or an A-1c permit holder. 342

(B) The division of liquor control may issue an F-11 343
permit to a person who organizes a farmers market. Pursuant to 344
the permit, the F-11 permit holder may allow a farmers market 345
participant that is a brewer to do the following at the location 346
of the farmers market: 347

(1) Sell tasting samples of beer manufactured by the 348
brewer for consumption on the premises where the farmers market 349
is located; 350

(2) Sell beer manufactured by the brewer in sealed 351
containers for consumption off the premises where the farmers 352
market is located. 353

(C) An applicant for an F-11 permit shall submit an 354
application for the permit to the division of liquor control. 355
The application shall include the location of the farmers market 356
that is the subject of the application. 357

(D) The premises of the farmers market for which the F-11 358
permit is issued shall be clearly defined and sufficiently 359
restricted to allow proper enforcement of the permit by state 360
and local law enforcement officers. If an F-11 permit is issued 361
for all or a portion of the same premises for which another 362
class of permit is issued, the division of liquor control shall 363
suspend that permit holder's privileges in that portion of the 364
premises in which the F-11 permit is in effect. However, an F-11 365
permit and an F-10 permit may be valid concurrently if both 366
permits are issued to the same person. 367

(E) No brewer shall do any of the following at a farmers 368
market for which an F-11 permit has been issued: 369

(1) Sell a tasting sample in an amount that exceeds one 370
ounce; 371

(2) Sell more than one sample of each beer offered for 372
sale to any one person; 373

(3) Sell more than five varieties of beer as tasting 374
samples per day; 375

(4) Sell a variety of beer that the brewer is prohibited 376
from selling under a contract with a wholesale distributor; 377

(5) Sell more than two hundred sixteen ounces of beer per 378
household for off-premises consumption under division (B) (2) of 379
this section; 380

(6) Allow any person other than the brewer, a member of 381

the applicable brewer's family, or an employee of the brewer to 382
sell beer. 383

(F) The F-11 permit is effective for nine months. The 384
permit is not renewable. However, a person who organizes a 385
farmers market may reapply for a new permit. The fee for the F- 386
11 permit is one hundred dollars. 387

(G) A brewer shall not conduct the activities described in 388
division (B) of this section unless the sale of beer for 389
consumption on the premises and the sale of beer for consumption 390
off the premises is authorized in the election precinct in which 391
the farmers market that is the subject of the F-11 permit is 392
located. 393

(H) No F-11 permit holder shall allow more than four 394
brewers per day to conduct the activities described in division 395
(B) of this section on the premises of the applicable farmers 396
market. 397

Section 2. That existing sections 4301.62 and 4303.2010 of 398
the Revised Code are hereby repealed. 399

Section 3. This act is hereby entitled the "Ohio Proud 400
Craft Beer Act." 401