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Bill Analysis

Legislative Service Commission

H.B. 525

124th General Assembly
(As Introduced)

Reps. Key, Patton, Sullivan, Jerse, Flannery, Otterman, Fedor, Oakar, Rhine, Perry, Krupinski, Allen, Sykes, Barrett, Lendrum

BILL SUMMARY

- Requires the Division of Liquor Control to notify child-care entities and owners of personal residences located within 500 feet of a proposed or existing liquor permit premises regarding applications for the issuance, transfer of ownership, or transfer of location of a liquor permit at or to the premises.
- Requires the Division to notify child-care entities and owners of personal residences located within 500 feet of a proposed or existing liquor agency store location regarding the entry into, or consent to the assignment of, an agency contract at that location.
- Authorizes child-care entities and owners of personal residences to request a hearing on the advisability of the Division's issuance or transfer of a liquor permit at or to a specific premises, or the advisability of the Division's entry into, or consent to the assignment of, an agency contract at a specific location.
- Requires the Division to consider whether the issuance, transfer of ownership, or transfer of location of a liquor permit will affect or interfere with the normal and orderly conduct of nearby child-care entities.

CONTENT AND OPERATION

Notice to personal residences and child-care entities within 500 feet of a proposed agency store or an agency store

Current law provides that, if a proposed agency store for the sale of spirituous liquor (see **COMMENT**) would be located within 500 feet of a school, church, library, public playground, or township park, the Division of Liquor Control must not enter into the proposed agency contract until it has provided notice of the contract to the authorities in control of the school, church, library, public playground, or township park and afforded them an opportunity for a complete hearing upon the advisability of entering into the contract. These notice and public hearing provisions also apply when the Division is requested to consent to the assignment of an agency contract to operate the agency store at the same location, but with a different agent. (Sec. 4301.17(B).)

The bill extends these notice and public hearing provisions to the owners of personal residences, and the authorities in control of child-care entities, located within 500 feet of a proposed agency store or an agency store. The bill defines "child-care entity" to mean a (1) child day camp, (2) head start program, (3) licensed pre-school program, (4) licensed school child program, (5) child day-care center, (6) drop-in child day-care center, (7) part-time child day-care center, (8) parent cooperative child day-care center, (9) school child day-care center, (10) type A family day-care home, (11) drop-in type A family day-care home, (12) parent cooperative type A family day-care home, (13) part-time type A family day-care home, (14) school child type A family day-care home, or (15) type B family day-care home, as these terms are defined in the Child Day-Care Law. (Sec. 4301.17(B).)¹

Notice to personal residences and child-care entities within 500 feet of a liquor permit premises or proposed liquor permit premises

Under current law, if the business or event specified in an application for the issuance, transfer of ownership, or transfer of location of any regular liquor permit is or will be conducted within 500 feet from the boundaries of a parcel of real estate having situated on it a school, church, library, public playground, or township park, the permit generally cannot be issued, nor generally can the ownership or location of the permit be transferred, until written notice of the filing of the application is served by certified mail, return receipt requested, or by

¹ The version of section 4301.17 amended by the bill is not the current version of that section. Am. Sub. H.B. 94 amended this section, and its version that took effect on September 5, 2001, is now current law that needs to be substituted in H.B. 525.

personal service, upon the authorities in control of the school, church, library, public playground, or township park and an opportunity is provided to them for a complete hearing upon the advisability of the issuance, transfer of ownership, or transfer of location of the permit (sec. 4303.26(A)).

The bill extends these same notice and public hearing provisions to the owners of personal residences, and the authorities in control of child-care entities, located on a parcel of real estate whose boundaries are within 500 feet of a liquor permit premises or proposed permit premises (sec. 4303.26(A)).

Effect of the issuance or transfer of ownership or location of a liquor permit on conduct of nearby child-care entities

Current law authorizes the Division of Liquor Control to refuse to issue or transfer the ownership of, and requires the Division to refuse to transfer the location of, any retail permit if it finds that the place for which the permit is sought is so situated with respect to any school, church, library, public playground, or hospital that the operation of the liquor establishment will substantially and adversely affect or interfere with the normal, orderly conduct of the affairs of those facilities or institutions. The bill applies this same provision to a *child day-care entity* as well. (Sec. 4303.292(B)(1).)

COMMENT

Under current law, a person engaged in mercantile business may act as an agent for the Division of Liquor Control to sell spirituous liquor (intoxicating liquor containing more than 21% of alcohol by volume) in a municipal corporation, in the unincorporated area of a township with a population of not less than 2,000, or in an area designated and approved as a resort area under the Liquor Control Law (sec. 4301.17(A)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-27-02	p. 1476

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