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Bill Analysis
Legislative Service Commission

Sub. S.B. 156
124th General Assembly
(As Reported by S. Agriculture)

Sen. Mumper

BILL SUMMARY

- Changes local option elections on Sunday sales of intoxicating liquor from allowing sales between 1 p.m. and midnight to allowing sales between 11 a.m. and midnight.
- Authorizes certain Sunday liquor sales to begin at 11 a.m. even if the sales previously were approved by the voters to commence at 1 p.m., but allows voters to hold an election to revert the time of commencement to 1 p.m. in accordance with certain conditions.
- Makes other changes in the law governing local option elections on Sunday sales of beer and intoxicating liquor at or in election precincts, parts of a precinct, specific locations, and community facilities.

CONTENT AND OPERATION

Overview of current law on Sunday sales of beer, wine and mixed beverages, or intoxicating liquor

Current law generally prohibits the sale of intoxicating liquor on Sunday after 2:30 a.m. by a permit holder unless the sale has been approved in a local option election held in the election precinct in which the premises is located (secs. 4301.22(D), not in the bill, and 4303.182(A)). Questions may be submitted to the voters at a primary or general election to allow the sale of beer, wine and mixed beverages, or intoxicating liquor on Sundays either between the hours of 10 a.m. and midnight or between 1 p.m. and midnight. The question or questions

submitted may govern sales in an election precinct, in a specific area of an election precinct, at a particular location, or at a community facility.¹

Changing Sunday sale of intoxicating liquor questions from between the hours of 1 p.m. and midnight to between 11 a.m. and midnight

Current law

Under current law, seven questions govern the Sunday sale of intoxicating liquor that may be legally sold in an election precinct or part of an election precinct on days of the week other than Sunday. Four of the questions pertain to sales between the hours of 1 p.m. and midnight, and three of the questions pertain to sales between 10 a.m. and midnight. One question from each time period pertains to sales of wine and mixed beverages for off-premises consumption, another question from each time period pertains to sales of intoxicating liquor for on-premises consumption, and a final question from each time period pertains to sales of intoxicating liquor for on-premises consumption at premises where the sale of food and other goods and services exceeds 50% of the total gross receipts of the permit holder at the premises. A seventh question pertains to intoxicating liquor sales between the hours of 1 p.m. and midnight for on-premises consumption at an outdoor performing arts center. This latter question must be presented to the voters of a precinct in which an outdoor performing arts center is located only by the legislative authority of the municipal corporation in which, or by the board of trustees of the township in which, the outdoor performing arts center is located. (Secs. 4301.351(B)(1), (2), (3), and (4) and (C)(1), (2), and (3) and 4301.354(B) and (C)(1), (2), and (3).)

Current law specifies how the results of local option elections on locations wishing to sell intoxicating liquor on Sundays in election precincts or parts of precincts affect the sale of intoxicating liquor at those locations. If the voters of a precinct or part of a precinct, whichever applies, approve the sale of intoxicating liquor on Sundays, locations within the precinct or part of a precinct are authorized to sell intoxicating liquor. (Secs. 4301.361 and 4301.364.)

¹ "Community facility" means either of the following: (1) any convention, sports, or entertainment facility or complex, or any combination of these, that is used by or accessible to the general public and that is owned or operated in whole or in part by the state, a state agency, or a political subdivision of the state or that is leased from, or located on property owned by or leased from, the state, a state agency, a political subdivision of the state, or a convention facilities authority created under current law, or (2) an area designated as a community entertainment district pursuant to current law (sec. 4301.01(B)(19), not in the bill).

The bill

Under the bill, the questions for the Sunday sale of intoxicating liquor are substantively the same as those that may be submitted in an election precinct under current law, except that the bill changes the four questions regarding the hours of Sunday sale of intoxicating liquor from between 1 p.m. and midnight to between 11 a.m. and midnight (secs. 4301.351(B)(1), (2), (3), and (4) and 4301.354(B)). The bill requires that the sale of intoxicating liquor be permitted between the hours of 11 a.m. and midnight if the sale of intoxicating liquor between the hours of 1 p.m. and midnight was approved before the effective date of the bill (sec. 4303.182(A)(3)). The bill also requires that a D-6 permit (Sunday liquor sales) must be issued to the holder of other liquor sales permits to allow Sunday sales in or at an election precinct, a specific area of a precinct, a particular location, or a community facility during specified hours. (Sec. 4303.182(A).)

However, the bill allows the electors in a precinct in which the commencement time is so changed by operation of the bill to hold an election to revert that time to 1 p.m. Such an election must be held under the following conditions:

(1) At the first general election that occurs after the bill's effective date unless that general election will be held less than 135 days after that date, in which case the election must be held at the immediately following general election;

(2) Under one of the questions specified in current law, as revised by the bill, that seeks Sunday sales of intoxicating liquor in an election precinct or parts of an election precinct, as applicable, except that the starting time for sales under the question must be 1 p.m. rather than 11 a.m. as otherwise provided in the bill;

(3) In accordance with the applicable requirements and provisions governing elections that are held relating to those questions and that are established under the Liquor Control Law. (Section 4(A).)

Not later than 45 days after the bill's effective date, the Superintendent of the Division of Liquor Control in the Department of Commerce must publish notice of these election provisions in a newspaper of general circulation in each county of the state. (Section 4(B).)

The bill specifies that the locations in a precinct or a part of a precinct, whichever applies, are only authorized to sell intoxicating liquor during the hours specified in the questions. As under current law, the results of the election on the Sunday liquor sales questions remain in effect until another election is held in the precinct or part of the precinct on the same questions, but no election can be held on the same question in the same precinct or part of a precinct more than once

every four years. (Secs. 4301.361 and 4301.364, and 4301.37(B) and (D), not in the bill.)

Under the bill, if a petition seeks the holding of an election on Sunday liquor sales on or after the bill's effective date under the questions seeking Sunday sales for an election precinct, specific areas of a precinct, specified locations, or community facilities and the petition contains signatures that were placed on it before that date, the petition is not invalid merely because the question or questions sought to be submitted to the voters and contained in the petition state that Sunday liquor sales will commence beginning at 1 p.m. rather than 11 a.m. (Section 3).

Changes in procedure for local option elections on liquor sales at a particular location

Change in the wording of the questions in the petition and the ballot

Current law allows a local option election to be held in an election precinct on the sale of beer, wine and mixed beverages, or intoxicating liquor at a particular location within the precinct if the petitioner for the election is one of the following: (1) an applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct, (2) the holder of a liquor permit at a particular location within the precinct, (3) a person who operates or seeks to operate a liquor agency store at a particular location within the precinct, or (4) the designated agent for such an applicant, permit holder, or liquor agency store (secs. 4301.333(A) and 4303.323, not in the bill).

The petition for the election described above must contain all of the following: (1) a notice that the petition is for the submission of a question or questions seeking an election on sales of beer, wine and mixed beverages, or intoxicating liquor at a particular location, (2) the name of the applicant for the issuance or transfer, or the holder, of the liquor permit or, if applicable, the name of the liquor agency store, including any trade or fictitious names under which the applicant, holder, or liquor agency store either intends to do or does business at the particular location, and (3) the address and proposed use of the particular location within the election precinct to which the results of the question or questions apply (sec. 4301.333(B)(1), (2), and (3)). The bill specifies that a petition also must contain a statement indicating whether the hours of sale sought are between 10 a.m. and midnight or between 11 a.m. and midnight (sec. 4301.333(B)(4)).

Under current law, the wording of the Sunday liquor sales question that is to be placed on the ballot must refer to whether beer, wine and mixed beverages, or intoxicating liquor is to be sold under the permit sought for or sold under the permit issued to the particular premises, or sold at the liquor agency store, that is

the subject of the election (sec. 4301.355(B)). Under the bill, the question must specify that the sale of beer, wine and mixed beverages, or intoxicating liquor on Sunday will be either between the hours of 10 a.m. and midnight or between 11 a.m. and midnight (sec. 4301.355(B)(2)).

Effect of election concerning Sunday liquor sales

Current law specifies how the results of a local option election concerning Sunday sales at a particular location affect the sale of beer, wine and mixed beverages, or intoxicating liquor at the location. If the voters in a precinct approve the sale of beer, wine and mixed beverages, or intoxicating liquor for a particular location for Sunday sales, the location is allowed to sell whichever was the subject of the election. The bill adds that the location specified in the question is only authorized to sell beer, wine and mixed beverages, or intoxicating liquor during the hours authorized under the bill and approved in the local option election. (Secs. 4301.365(A) and (D) and 4303.182(A)(1) and (2).)

Changes in procedure for local option elections on liquor sales at a community facility

Change in the wording of the questions in the petition and the ballot

Current law allows a local option election to be held in a municipal corporation or the unincorporated area of a township on the sale of beer and intoxicating liquor at a community facility located within the municipal corporation or unincorporated area if the petitioner for the election presents a petition and other specified information to the board of elections of the county in which the community facility is located. The petition must contain both of the following: (1) a notice that it is for the submission of a question authorizing the sale of beer and intoxicating liquor on all days of the week except Sunday and between the hours of 1 p.m. and midnight on Sunday at a particular community facility, and (2) the name and address of the community facility and, if the community facility is a community entertainment district, the boundaries of the district. (Sec. 4301.334(A).) The bill adds to the notice a statement indicating whether the hours of Sunday sales sought in the local option election are between 10 a.m. and midnight or between 11 a.m. and midnight (sec. 4301.334(A)(1)).

Under current law, the question in a local option election authorizing the Sunday sale of beer and intoxicating liquor at a community facility specifies that the sale can only occur on days of the week other than Sunday and between the hours of 1 p.m. and midnight on Sunday. The bill changes the hours of sale specified on the ballot question for authorizing the sale of beer and intoxicating liquor at a community facility from between 1p.m. and midnight to between

10 a.m. and midnight or between 11 a.m. and midnight on Sunday. (Sec. 4301.356.)

Effect of election concerning Sunday liquor sales

Under current law, if a majority of voters approve the sale of beer and intoxicating liquor at a community facility, the community facility is authorized to sell beer and intoxicating liquor for the use specified in the question. The bill adds that the sale of beer and intoxicating liquor may be allowed on Sunday during the hours approved by the voters, either between 10 a.m. and midnight or between 11 a.m. and midnight. (Secs. 4301.366 and 4303.182(A)(1) and (2).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-04-01	p. 866
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