



Sub. S.B. 164
125th General Assembly
(As Passed by the Senate)

Sens. Schuler, Blessing, Dann, Robert Gardner, Fingerhut, Hagan

BILL SUMMARY

- Provides that spirituous liquor may be sold on Sunday by a person awarded a contract to operate a liquor agency store (1) if the sale of spirituous liquor on Sunday is authorized in the applicable precinct as the result of an election on specified Sunday liquor sales questions and (2) if the agency contract authorizes the sale of spirituous liquor on Sunday.

CONTENT AND OPERATION

Current law generally prohibits any liquor permit holder or liquor agency store from selling intoxicating liquor after 2:30 a.m. on Sunday. The only exception is if a liquor permit holder's permit authorizes the Sunday sale of intoxicating liquor (see **COMMENT**).¹ (R.C. 4301.22(D).)

The bill adds another exception: that any person awarded a contract to operate a liquor agency store may sell spirituous liquor on Sunday (1) if the sale of spirituous liquor is authorized in the applicable precinct as the result of an election on either of the following questions and (2) if the agency contract authorizes the sale of spirituous liquor on Sunday (R.C. 4301.22(D)(2)):

(a) The question that governs the sale of intoxicating liquor for consumption on the premises where sold between 1 p.m. and midnight on Sunday; or

¹ "Intoxicating liquor" includes wine, mixed beverages, and spirituous liquor. "Spirituous liquor" is defined to include all intoxicating liquors containing more than 21% of alcohol by volume (R.C. 4301.01(B)(5), not in the bill).

The D-6 liquor permit authorizes the Sunday sale of intoxicating liquor and is normally only issued to a permit holder if Sunday liquor sales have been approved in a local option election held on sales at the permit holder's premises or in the election precinct where the premises are located (R.C. 4303.182, not in the bill).

(b) The question that governs the sale of intoxicating liquor for consumption on the premises where sold between 1 p.m. and midnight on Sunday 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.

COMMENT

The operator of a liquor agency store is authorized under a contract with the Division of Liquor Control in the Department of Commerce to sell spirituous liquor on behalf of the Division. A liquor agency store thus sells spirituous liquor under the authority of a contract with the Division, not under a permit issued by the Division.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-16-03	p. 1291
Reported, S. Agriculture	02-12-04	p. 1525
Passed Senate (28-5)	02-18-04	pp. 1563-1564

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