



Ohio Legislative Service Commission

Bill Analysis

Jeff Grim

Sub. S.B. 298

129th General Assembly
(As Passed by the Senate)

Sens. Cafaro, Brown, Seitz, Kearney, Beagle, Hughes, Hite, Turner, Bacon, Balderson, Burke, Gentile, Lehner, Oelslager, Patton, Sawyer, Schaffer, Schiavoni, Smith, Tavares, Wagoner

BILL SUMMARY

- Allows a D-5L liquor permit (applicable to revitalization districts) to be issued to the owner or operator of a retail food establishment or food service operation that is located in a municipal corporation that (1) is wholly located in a county, and (2) has the largest population in that county when the county has a population between 215,000 and 225,000.

CONTENT AND OPERATION

The bill revises the law governing the issuance of D-5L liquor permits (sale of beer and intoxicating liquor for on- and off-premises consumption) which are issued in revitalization districts (see below). Currently, the D-5L permit may be issued only to the owner or operator of a retail food establishment or a food service operation that is licensed under the Retail Food Establishment and Food Service Operation Law and that:

(1) Has gross annual receipts from the sale of food and meals that constitute not less than 75% of its total annual gross receipts;

(2) Is located within a revitalization district that is designated under continuing law;

(3) Is located in a municipal corporation or township in which the number of D-5 liquor permits (sale of beer and intoxicating liquor for on- and off-premises consumption at restaurants or night clubs) issued equals or exceeds the number of those permits that may be issued in that municipal corporation or township under ongoing law; and

(4) Is located in a county with a population of 125,000 or less according to the population estimates certified by the Department of Development for calendar year 2006.

The bill adds that a D-5L permit also may be issued to a retail food establishment or food service operation to which (1) through (3) above apply and that is located in the municipal corporation that has the largest population in a county when the county has a population between 215,000 and 225,000. The population of the county must be based on estimates certified by the Department of Development for calendar year 2006. This provision applies only to a municipal corporation that is wholly located in such a county.¹

Under current law, revitalization districts may be created for bounded areas located in municipal corporations or unincorporated areas of townships with a population of less than 100,000. The bounded areas may include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close proximity to certain establishments such as restaurants, sports facilities, and convention facilities. Current law establishes procedures by which a municipality or township may approve or disapprove an application to designate an area as a revitalization district.²

HISTORY

| ACTION | DATE |
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| Introduced | 02-14-12 |
| Reported, S. Insurance, Commerce & Labor | 11-28-12 |
| Passed Senate (33-0) | 11-28-12 |

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¹ R.C. 4303.181(L)(1) and (2).

² R.C. 4301.81, not in the bill.

