



Ohio Legislative Service Commission

Bill Analysis

Jeff Grim

Am. H.B. 594

130th General Assembly
(As Passed by the House)

Reps. Gerberry and Buchy, R. Adams, Amstutz, Anielski, Antonio, Baker, Boyce, Driehaus, Duffey, Grossman, Hayes, Huffman, Letson, Mallory, McGregor, Milkovich, Patmon, Pelanda, Reece, Rogers, Sears, Sheehy, Slaby, Smith, Stinziano, Strahorn, Young, Batchelder

BILL SUMMARY

- Generally prohibits the sale or offering for sale for human consumption of powdered or crystalline alcohol.
- Exempts from the prohibition certain substances and medications, including any substance regulated by the Food and Drug Administration that is not beer or intoxicating liquor or a compound that could be converted into beer or intoxicating liquor.
- Allows a person to possess beer or intoxicating liquor on the premises of a publicly owned market without violating the Open Container Law if the beer or intoxicating liquor was purchased from the holder of a D liquor permit (generally allows sales of beer or intoxicating liquor for on-premises consumption) located in the market.
- Requires the D-6 liquor permit (Sunday sales of beer and intoxicating liquor) to be issued to a D liquor permit holder that is a retail food establishment or food service operation and is located in a state park that has a working farm on its property.

CONTENT AND OPERATION

Sale of powdered or crystalline alcohol

The bill generally prohibits the sale or offering for sale for human consumption of powdered or crystalline alcohol. However, the bill exempts all of the following from the prohibition:

(1) Any substance regulated by the Food and Drug Administration that is not either of the following:

--Beer or intoxicating liquor; or

--A compound that could be converted into beer or intoxicating liquor.

(2) A medication that requires a prescription; and

(3) An over-the-counter medication.

Under the bill, powdered or crystalline alcohol is a product that is manufactured into a powdered or crystalline form and that contains any amount of alcohol. A prescription, by reference to the Pharmacists and Dangerous Drugs Law, is a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs. An over-the-counter medication is a medication that may be legally sold and purchased without a prescription.¹

Generally, beer includes all beverages brewed or fermented from malt products that contain between .5 and 12% of alcohol by volume. Intoxicating liquor includes all liquids and compounds, other than beer, containing .5% or more of alcohol by volume.²

Open Container Law exemption

Current law generally prohibits a person from having in the person's possession an opened container of beer or intoxicating liquor in public places. The bill excludes from the prohibition a person who has in the person's possession an open 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 (generally allows sales of beer or intoxicating liquor for on-premises consumption) that is located in the market. Under the bill, a market is an establishment that:

(1) Leases space in the market to individual vendors, not less than 50% of which are retail food establishments or food service operations licensed under the law that governs those establishments and operations;

(2) Has an indoor sales floor area of not less than 22,000 square feet;

(3) Hosts a farmer's market on each Saturday from April through December; and

¹ R.C. 4301.71.

² R.C. 4301.01, not in the bill.



(4) Is owned by a political subdivision.³

D-6 liquor permit for certain state parks

The bill requires the Division of Liquor Control to issue a D-6 liquor permit to the holder of any D liquor permit for a premises that is:

(1) Licensed as a retail food establishment or food service operation; and

(2) Located in a state park that is established or dedicated under state law and has a working farm on its property.

Under the bill, the D-6 permit authorizes Sunday sales of beer or intoxicating liquor at the D liquor permit premises between 10 a.m. and midnight regardless of whether the sales have been authorized by a local option election.⁴

Currently, the Division must issue a D-6 permit to certain A (manufacturers of beer, wine, mixed beverages, or spirituous liquor), C (retailers of beer or intoxicating liquor for off-premises consumption), and D liquor permit holders. Those liquor permit holders may sell beer, wine, mixed beverages, or spirituous liquor, as applicable, on Sunday under the D-6 permit. Sales must take place on Sunday between the hours of 10 a.m. to midnight or 11 a.m. to midnight depending on the local option held to authorize Sunday sales.⁵

HISTORY

ACTION	DATE
Introduced	07-14-14
Reported, H. Policy & Legislative Oversight	11-19-14
Passed House (91-0)	11-20-14

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³ R.C. 4301.62(A)(3) and (F).

⁴ R.C. 4303.182(K).

⁵ R.C. 4303.182(A).

