

Liquor Control

H.B. 160

Primary Sponsor: Rep. Ingram

Effective date: Emergency: October 13, 2020

Outdoor Refreshment Areas (DORAs)

- Revises the number of outdoor refreshment areas (DORAs) that may be created in a municipal corporation or township as follows:
 - If the population is more than 50,000, increases the number from two to four; and
 - If the population is between 35,000 and 50,000, increases the number from one to two.
- Reduces, from two to one, the required number of notices that the legislative authority of a municipal corporation or township must publish prior to taking certain actions regarding a DORA.

Sales of alcohol in an agency store

- Allows the sale of beer, wine, mixed beverages, and spirituous liquor in an agency store for on-premises consumption and makes other changes to the law governing those sales.

Alcoholic ice cream

- Allows an alcoholic ice cream manufacturer (A-5 liquor permit holder) to ship the ice cream to a personal consumer via a permitted shipper if certain conditions are met, including verification that the personal consumer is at least 21.
- Allows an A-5 permit holder to sell alcoholic ice cream to retail liquor permit holders for resale to personal consumers.
- Eliminates the restriction on the number of pints (four pints) of alcoholic ice cream that a personal consumer may purchase each day from an A-5 permit holder.
- Clarifies that an A-5 permit holder may sell alcoholic ice cream on Sunday under a D-6 liquor permit if those sales have been authorized by local option election.

Bottle limits for micro-distilleries

- Increases from two to four the number of 750 ml spirituous liquor bottles that a micro-distillery may sell to a customer per day.

Small wineries exemption

- Regarding the retail food establishment license exemption for a small winery (A-2 or A-2f liquor permit holder) – which applies only when the winery sells commercially

prepackaged food that constitutes 5% or less of sales – clarifies that commercially prepackaged food does not include wine.

- Requires the commercially prepackaged food to be unopened and specifies that the 5% threshold is based on the winery’s sales in the previous year.
- Modifies the notice (regarding the exemption) that an exempt small winery must provide to customers.

H.B. 669

Primary Sponsors: Reps. Swearingen and LaRe

Effective date: Emergency: October 13, 2020

To-go drinks

- Allows bars, restaurants, small breweries, micro-distilleries, and wineries (qualified permit holders) to sell alcoholic beverages in sealed, covered cups or other containers for off-premises consumption, including via delivery.
- Specifies that a qualified permit holder may only sell alcoholic beverages for to-go purposes if:
 - The permit holder is otherwise authorized to sell the alcoholic beverages under the permit; and
 - The permit holder also sells a meal with the alcoholic beverages.
- Prohibits a qualified permit holder from selling more than three to-go alcoholic beverages to any individual per meal.
- Prior to delivering an alcoholic beverage to a personal consumer, requires a qualified permit holder, or a qualified permit holder’s employee, to make an effort to ensure that the personal consumer is 21 or older.

Expansion of sales area of liquor permit premises

- Through December 31, 2022, allows a qualified permit holder to expand the area in which it may sell alcoholic beverages by the individual drink for on-premises consumption as follows:
 - In any area of the permit holder’s property in which sales are not currently authorized and that is outdoors, including the permit holder’s parking area;
 - In any outdoor area of public property that is immediately adjacent to the permit holder’s premises, if the permit holder obtains written consent from the local government that owns the property; and
 - In any outdoor area of private property that is immediately adjacent to the permit holder’s premises, if the permit holder obtains the owner’s written consent.

- Requires the permit holder to notify the Division of Liquor Control and the Investigative Unit of the Department of Public Safety ten days before the expansion.

Opened container exemptions

- Exempts from the Opened Container Law:
 - Delivery of a to-go alcoholic beverage in a sealed, closed container, in accordance with the act, to its final destination; and
 - Consumption of an alcoholic beverage in an expanded outdoor area of a qualified permit holder.

H.B. 674

Primary Sponsors: Reps. Hillyer and Becker

Effective date: April 12, 2021

Sole and exclusive regulation of alcohol

- States that the State of Ohio has the sole and exclusive authority to regulate the sale and distribution of beer and intoxicating liquor in Ohio under the Twenty-first Amendment to the U.S. Constitution (repeal of Prohibition).
- Finds that the General Assembly’s authority to so regulate is exercised through the liquor control laws and other relevant statutes.

Delivery of spirituous liquor

- Allows the Division of Liquor Control to deliver spirituous liquor to personal consumers in original containers pursuant to rules adopted by the Superintendent of Liquor Control.

Intoxicating liquor pods

- Treats a pod containing spirituous liquor (more than 21% alcohol by volume [ABV]) as a mixed beverage (0.5% to 21% ABV) for regulatory purposes.
- Defines “pod” to mean a sealed capsule made from specified materials and to which certain requirements apply, including:
 - The alcohol content of the pod exceeds 21% ABV;
 - Processing the pod involves releasing the contents of the capsule through a machine specifically designed to process the contents; and
 - The beverage that results after processing the capsule has an ABV of 0.5% to 21%.

Brewpubs

- Exempts certain brewpubs (A-1-A liquor permit holders) from the requirement to obtain a retail food establishment or food service operation license from a local board of health and operate as a restaurant.

- Instead, allows a brewpub to:
 - Serve unopened commercially prepackaged meals and nonalcoholic beverages, as well as beer and intoxicating liquor, under exemptions from board of health regulation; or
 - Maintain a schedule with the owner or operator of a licensed mobile retail food establishment or a mobile food service operation to serve food to the brewpub's customers.
- Eliminates the requirement that beer growlers sold by a brewpub for off-premises consumption be made of glass.

Alcohol consumption in airports

- Expands the area in which a person who buys beer or intoxicating liquor from a restaurant at a public airport (D-5d liquor permit holder) may consume the beer or intoxicating liquor.
- Specifies that the expanded area includes the portion of the airport terminal in which people are taking flights to and from the airport, provided the airport's governing body authorizes consumption in the area and certain conditions are met.
- Specifies that consumption in the expanded area is not a violation of the Opened Container Law.
- Broadens the type of public airport at which a D-5d permit may be issued to include an airport operated by a municipal corporation.

F-11 liquor permit

- Authorizes the Division to issue an F-11 liquor permit to a nonprofit organization to conduct an event if one of the event's purposes is the introduction, showcasing, or promotion of craft beers manufactured in Ohio.
- Establishes duties and responsibilities for F-11 permit holders, and allows the permit holder to sell, at the event, beer that it has purchased from the breweries that are participating in the event.

F-12 liquor permit

- Authorizes the Division to issue an F-12 liquor permit to specified organizations to purchase beer or wine from permitted beer or wine manufacturers and wholesalers and to sell the beer or wine at special functions held during the permit's 90-day validity period.
- Prohibits more than one permit from being issued to the same applicant in any one-year period.

Gifts of glassware

- Allows a manufacturer or supplier of alcoholic beverages to provide glassware intended for the serving of beer to a permit holder authorized to sell beer for on-premises consumption if the manufacturer or supplier provides a receipt to the permit holder.
- Establishes requirements and procedures for the provider of the glassware.
- Exempts the gifts of glassware from restrictions on the interrelationship between alcoholic beverage manufacturers, distributors, and retailers.

F permit leasing agreements with manufacturers

- Exempts a manufacturer's lease or rental of property to an F class liquor permit holder from the restrictions on the interrelationship between alcoholic beverage manufacturers, distributors, and retailers.

