



# Ohio Legislative Service Commission

## Bill Analysis

Amanda M. Ferguson

### **S.B. 173**

130th General Assembly  
(As Introduced)

**Sens.** Hughes, Seitz, Uecker, Schiavoni

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## **BILL SUMMARY**

- Revises the law governing sales of spirituous liquor tasting samples at agency stores in the following ways:
  - Requires specified individuals that offer tasting samples to purchase the spirituous liquor from the agency store at which the samples are offered at the current retail price, rather than requiring an agency store to purchase the spirituous liquor at the current retail price and the specified individuals to reimburse the agency store as provided in current law;
  - Requires specified individuals that offer tasting samples to provide notice to the Division of Liquor Control regarding the tasting event ten business days prior to the tasting event, rather than five days prior as provided in current law;
  - Allows tasting samples of spirituous liquor to be offered for sale in an area that is immediately adjacent to an agency store and on the same premises if specified criteria are met, rather than allowing the sale of samples only in the agency store as provided in current law; and
  - Allows up to three spirituous liquor tasting sample events in a calendar week provided that specified criteria are met, rather than up to five in a calendar month as provided in current law.

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## **CONTENT AND OPERATION**

### **Spirituous liquor tasting samples**

The bill makes a number of revisions to the law governing the sale of spirituous liquor tasting samples at stores under contract with the Division of Liquor Control to

sell spirituous liquor. Such stores are known as agency stores. Spirituous liquor is any intoxicating liquor containing more than 21% alcohol by volume and a tasting sample generally means a serving of not more than a quarter ounce of spirituous liquor.<sup>1</sup>

The bill first modifies the procedure by which tasting samples of spirituous liquor may be sold at an agency store. Under current law unchanged by the bill, an agency store that holds a D-8 permit<sup>2</sup> (authorizes sale of tasting samples) may allow brokers in and solicitors of alcoholic beverages and persons involved in the trade marketing of alcoholic beverages to sell tasting samples of spirituous liquor at the agency store.<sup>3</sup> In order to sell tasting samples under current law, the trade marketing professional, broker, or solicitor must provide written notice to the Division of Liquor Control not less than five business days prior to the tasting event. The notice must include the date and time of the sampling and the type and brand of spirituous liquor to be sampled. Additionally, the agency store must purchase the bottles of spirituous liquor that will be used to provide tasting samples at the current retail price and the trade marketing professional, broker, or solicitor must reimburse the agency store out of the amount collected for the sale of the tasting samples. Under the bill, the trade marketing professional, broker, or solicitor must provide the written notice to the Division of Liquor Control not less than ten business days prior to the tasting event and must directly purchase from the agency store the bottles of spirituous liquor that will be used to provide tasting samples at the current retail price.<sup>4</sup>

The bill also expands the area in which tasting samples of spirituous liquor may be sold at an agency store. Under current law, a tasting sample may only be sold to an authorized purchaser in the area of the agency store in which spirituous liquor is sold and that is open to the public. Under the bill, a tasting sample may be sold to an authorized purchaser in the area of an agency store that is open to the public, including an area that is immediately adjacent to an agency store if beer and other intoxicating liquor are sold in the adjacent area and if the adjacent area and the agency store are located on the same premises.<sup>5</sup>

Finally, the bill increases the frequency with which the sale of tasting samples may occur at an agency store. Under current law, an agency store may host not more than five tasting events per calendar month. Under the bill, an agency store may host

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<sup>1</sup> R.C. 4301.01, not in the bill, and 4301.171(A).

<sup>2</sup> R.C. 4303.184, not in the bill.

<sup>3</sup> R.C. 4301.171(B).

<sup>4</sup> R.C. 4301.171(B), (C), and (F).

<sup>5</sup> R.C. 4301.171(A), (B), and (C).



not more than three tasting events per calendar week, so long as not more than two tasting events take place during the same day and there is not less than one hour between the end of one event and the beginning of another event.<sup>6</sup>

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## HISTORY

ACTION	DATE
Introduced	08-08-13

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<sup>6</sup> R.C. 4301.171(L).

