



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Grim

Sub. H.B. 522*

132nd General Assembly
(As Reported by S. Agriculture)

Reps. Lanese, Anielski, Antonio, Arndt, Brenner, Celebrezze, Hambley, Leland, Lepore-Hagan, Manning, Miller, Patton, Ramos, Retherford, Rogers, Scherer, Schuring, Seitz, Strahorn, Sweeney, West, Wiggam

BILL SUMMARY

Outdoor refreshment areas

- Allows an F-class liquor permit holder (applies to a festival-type event that has a short duration) to sell beer or intoxicating liquor in an outdoor refreshment area, which is an area where a person may purchase alcohol from a designated liquor permit holder and walk around outdoors.
- Requires the Division of Liquor Control to issue an outdoor refreshment area designation to an F-class permit holder if the permit holder meets certain conditions.
- Requires an F-class permit holder that receives a designation to do both of the following:
 - Comply with all laws, rules, and regulations that govern its type of permit, and the applicable public health and safety requirements established for the outdoor refreshment area; and
 - Not block ingress or egress to the outdoor refreshment area or any other liquor permit premises located within the area.
- Removes both of the following from the list of D-class liquor permit holders that may obtain an outdoor refreshment area designation:
 - A D-6 permit holder (allows Sunday sales of beer or intoxicating liquor);

* This analysis was prepared before the report of the Senate Agriculture Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

--A D-8 permit holder (allows sales of growlers of beer or sales of tasting samples).

On-premises sales by wholesale distributors

- Allows wholesale liquor distributors (B class liquor permit holders) to sell alcoholic beverages for on-premises consumption under specified circumstances.

Park districts – allow liquor permit advertising

- Authorizes a board of park commissioners to use public funds to publish, advertise, or otherwise communicate information regarding activities related to a liquor permit issued to the park district.

CONTENT AND OPERATION

Outdoor refreshment areas

Background

A municipal corporation or township may create an outdoor refreshment area (also known as a DORA) that allows a person to purchase beer or intoxicating liquor from a designated liquor permit holder and walk around outdoors with that opened container of beer or intoxicating liquor in the area. Thus, the person is exempt from the law governing opened containers, which generally prohibits a person from carrying an opened container of beer or intoxicating liquor in public.

A municipal corporation or township may create an outdoor refreshment area upon approval by the legislative authority of the municipal corporation or township. Once the outdoor refreshment area is created, the Division of Liquor Control must issue an outdoor refreshment area designation to certain liquor permit holders that are in compliance with the Liquor Control Law and the terms of their particular permit. Current law establishes procedures and requirements for the review of the operation of an outdoor refreshment area and the dissolution of an area or portion of an area.¹

Inclusion of F-class liquor permits

The bill allows an F-class liquor permit holder to serve beer or intoxicating liquor outdoors in an outdoor refreshment area. The F-class permits generally authorize organizations that operate festivals that have a short duration to sell beer or intoxicating

¹ R.C. 4301.82.



liquor. Depending on the type of F permit, the permit holder is authorized to sell beer or intoxicating liquor for on- or off-premises consumption.

If an outdoor refreshment area has been created, an F-class permit holder that sponsors an event located in the area may apply to the Division for issuance of an outdoor refreshment area designation. The Division must issue the designation if it determines that the permit holder is in compliance with all applicable liquor laws. An F-class permit holder that receives a designation must do both of the following:

(1) Comply with all laws, rules, and regulations that govern its type of permit, and the applicable public health and safety requirements established for the outdoor refreshment area under current law;

(2) Not block ingress or egress to the outdoor refreshment area or any other liquor permit premises located within the area.²

Current law requires the legislative authority of a municipal corporation or township that creates an outdoor refreshment area to adopt an ordinance or resolution that establishes requirements the legislative authority determines are necessary to ensure public health and safety within the area. The legislative authority must include in the ordinance or resolution specified information, including:

(1) The specific boundaries of the area, including street addresses;

(2) The hours of operation for the area;

(3) The number of personnel needed to ensure public safety in the area; and

(4) A sanitation plan that will help maintain the appearance and public health of the area.³

D-class liquor permits and outdoor refreshment areas

Under current law, after the creation of an outdoor refreshment area, the Division must issue an outdoor refreshment area designation to specified liquor permit holders, including D-class liquor permit holders, that are located within the area. A D-class permit generally authorizes the sale of beer or intoxicating liquor for on-premises consumption.

² R.C. 4301.82(G).

³ R.C. 4301.82(F).



The bill clarifies that a D-class liquor permit holder does not include a D-6 or D-8 permit holder. The D-6 permit generally authorizes specified liquor permit holders to sell beer or intoxicating liquor for on- or off-premises consumption on Sunday. The D-8 permit generally authorizes the sale of tasting samples of beer, wine, and mixed beverages for on-premises consumption and the sale of beer in growlers for off-premises consumption.

On-premises sales by wholesale distributors

The bill authorizes a wholesale liquor distributor (B class liquor permit holder) to sell at retail beer, wine, or mixed beverages that the permit holder is authorized to distribute under the state liquor control laws, only by the individual drink in glass or from a container, for purposes of on-premises consumption. A B class permit holder may sell the beer, wine, or mixed beverages only if the sale is for an event that is hosted by the distributor and that is either of the following:

- (1) For a charitable, benevolent, cultural, educational, or political purpose; or
- (2) Not open to the general public.⁴

Park districts – allow liquor permit advertising

The bill authorizes a board of park commissioners of a park district to use public funds to publish, advertise, or otherwise communicate information regarding activities related to a liquor permit issued to the park district.⁵ It excludes this use from existing law that prohibits a governing body of a political subdivision from using public funds to publish, distribute, or otherwise communicate information that promotes alcoholic beverages.⁶

HISTORY

ACTION	DATE
Introduced	02-21-18
Reported, H. Government Accountability & Oversight	04-11-18
Passed House (87-6)	06-20-18
Reported, S. Agriculture	---

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⁴ R.C. 4303.101.

⁵ R.C. 1545.081.

⁶ R.C. 9.03(C)(1)(b).

