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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 160 of the 133rd General Assembly

Senate Agriculture & Natural Resources

Jeff Grim, Research Analyst

Expansion of sales area of liquor permit premises

Allows certain liquor permit holders to expand their sales area as follows:

--In any area of the retail permit holder's property in which sales are not currently authorized and that is outdoors, including the retail permit holder's parking area;

--In any outdoor area of public property that is immediately adjacent to the retail permit holder's premises, if the permit holder obtains written consent from the appropriate local government in accordance with procedures established by the bill; or

--In any outdoor area of private property that is immediately adjacent to the retail permit holder's premises, if the permit holder obtains the written consent of the owner of the private property.

Specifies that the bill's provisions governing expanded sales areas are operative only during the period of the emergency declared by Executive Order 2020-01D (related to COVID-19), issued on March 9, 2020, but not beyond December 1, 2020.

Requires a liquor permit holder to notify the Division of Liquor Control of an expansion 10 days prior to the expansion.

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.

Sales of alcohol in an agency store

Revises the law governing the sale and consumption of beer, wine, mixed beverages, and spirituous liquor in an agency store, including by doing the following:

--Limiting the current authorization for an agency store to obtain a D-1, D-2, or D-5 liquor permit (these permits allow on-premises consumption of beer, wine, mixed beverages, or spirituous liquor depending on the permit) to those agency stores with an agency store contract that specifically authorizes the acquisition of those permits;

--Allowing an agency store that is issued a D-5 liquor permit to sell spirituous liquor for on-premises consumption. (Current law specifies that an agency store to which a D-5 permit has been issued may only sell beer, wine, and mixed beverages for on- or off-premises consumption.)

--Allowing an agency store to be issued a D-3 liquor permit to sell spirituous liquor for on-premises consumption if:

The agency store's contract specifically authorizes the acquisition of that permit; and

The agency store contains at least 14,000 square feet of sales floor area.

--Allowing an agency store to sell beer, wine, mixed beverages, and spirituous liquor for on-premises consumption only between 9:00 a.m. and 11:00 p.m.

Sales of alcoholic ice cream

Clarifies that an alcoholic ice cream manufacturer may sell on Sunday under a D-6 liquor permit if such 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.

Emergency

Declares an emergency.