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H.B. 757
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Cutrona

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SUMMARY

- Reinstates the authorized hours of operation for liquor permit premises as they existed prior to the state of emergency declared in response to COVID-19.
- Declares an emergency.

DETAILED ANALYSIS

Hours of operation

Prior to the state of emergency due to COVID-19,¹ the sale, delivery, and on-premises consumption of beer, wine, mixed beverages, or spirituous liquor were generally prohibited (depending on the type of liquor permit) during the times reflected in the green box below.² But, the Liquor Control Commission issued rules, effective on July 31, 2020, that altered and established more restrictive hours of operation for all liquor permit premises, which are reflected in the orange box below.³

¹ Per Executive Order 2020-01D that was issued on March 9, 2020.

² O.A.C. 4301:1-1-49(B) and (C).

³ O.A.C. 4301:1-1-80(A).



The bill rescinds the current rule regarding hours of operation (the orange box) and reinstates the prior hours of operation (the green box).⁴ For example, under the current rule, the operator of a bar with a D-5 permit must cease serving alcohol at 10 p.m. Under the bill, that D-5 permit holder may continue sales until 2:30 a.m.

However, it is unclear how the current rule (the orange box) affects (1) statutorily prescribed hours of operation or (2) Sunday sales. First, for certain permits, hours of operation are prescribed in statute. For example, the Revised Code explicitly authorizes D-3a permit holders to sell intoxicating liquor after 1 a.m., and during the same hours as the holder of a D-5 permit (sales until 2:30 a.m.).⁵ Second, hours of operation on Sundays, which must be approved via referendum in each precinct, are also prescribed by statute. For instance, in some precincts sales are authorized to begin at 10 a.m.⁶ It is unclear if the current rule conflicts with these

⁴ Section 1. Additionally, it is unclear if the bill's language would repeal the entire rule or only the portion regarding hours of operation (the orange box). The remainder of the rule authorizes liquor permit holders to sell and deliver beer, wine, mixed beverages, or spirituous liquor in to-go containers for off-premises consumption if certain requirements are met.

⁵ R.C. 4303.16, not in the bill.

⁶ R.C. 4303.182, not in the bill.

types of statutes. However, regarding Sunday sales, it does not appear that the Division of Liquor Control is, in practice, altering statutory hours of operation.

Emergency clause

The bill includes an emergency clause. Thus, the bill, when enacted, goes into immediate effect.⁷

HISTORY

Action	Date
Introduced	09-08-20

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⁷ Section 2.