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Synopsis of Conference Committee Amendments

H.B. 160 of the 133rd General Assembly

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The Conference Committee on H.B. 160 recommends the bill as passed by the Senate with the following changes:

House Version	Senate Version	Conference Committee Recommendation
Expansion of sales area of liquor permit premises		
No provision.	Allows certain liquor permit holders to expand their sales area as follows: <ol style="list-style-type: none">1. 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;2. 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	Same as House.

House Version	Senate Version	Conference Committee Recommendation
<p>No provision.</p> <p>No provision.</p>	<p>accordance with procedures established by the bill; or</p> <p>3. 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.</p> <p>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.</p> <p>Requires a liquor permit holder to notify the Division of Liquor Control of an expansion ten days prior to the expansion.</p> <p><i>(Section 3.)</i></p>	<p>Same as House.</p> <p>Same as House.</p>
<p>Outdoor Refreshment Areas (DORAs)</p>		
<p>No provision.</p>	<p>Revises the number of outdoor refreshment areas (DORAs) that may be created in a municipal corporation or township as follows:</p> <p>1. If the population is more than 50,000, increases the number from two to four; and</p>	<p>Same as Senate.</p>

House Version	Senate Version	Conference Committee Recommendation
	<p>2. If the population is between 35,000 and 50,000, increases the number from one to two.</p> <p>Removes the requirement that specified notices be published for two consecutive weeks, and instead requires those notices to be published for one week.</p> <p><i>(R.C. 4301.82.)</i></p>	
Sales of alcohol in an agency store		
No provision.	<p>Revises the law governing the sale and consumption of beer, wine, mixed beverages, and spirituous liquor in an agency store by doing the following:</p> <ol style="list-style-type: none"> 1. 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; 2. 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 	Same as Senate.

House Version	Senate Version	Conference Committee Recommendation
	<p>sell beer, wine, and mixed beverages for on- premises consumption.)</p> <ol style="list-style-type: none"> 3. Allowing an agency store to be issued a D-3 liquor permit to sell spirituous liquor for on-premises consumption if: <ol style="list-style-type: none"> a. The agency store’s contract specifically authorizes the acquisition of that permit; and b. The agency store contains at least 10,000 square feet of sales floor area. 4. Prohibiting the transfer of the D-3 permit to a new location; 5. Requiring the Division of Liquor Control to revoke the D-3 permit if the agent no longer operates the agency store; 6. 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.; 7. Prohibiting the Division from issuing a D-3a liquor permit (permit D-3a allows a D-3 permit holder to sell until 2:30 a.m.) to an agency store; and 	

House Version	Senate Version	Conference Committee Recommendation
	<p>8. Eliminating a prohibition against the consumption of beer, wine, mixed beverages, and spirituous liquor in the agency store area.</p> <p><i>(R.C. 4301.17.)</i></p>	
Sales of alcoholic ice cream		
No provision.	Clarifies that an alcoholic ice cream manufacturer (A-5 liquor permit holder) may sell on Sunday under a D-6 liquor permit if such sales have been authorized by local option election <i>(R.C. 4303.182(A) and (M))</i> .	Same as Senate.
No provision.	Requires an alcoholic ice cream manufacturer to include a label on the ice cream package that includes the Surgeon General's warning specified under federal law regarding consuming alcohol while pregnant or operating a motor vehicle; but specifies that this requirement only applies to ice cream that is sold at a grocery store or convenience store <i>(R.C. 4303.051(F))</i> .	Same as Senate.
Bottle limits for micro-distilleries		
No provision.	Increases from two to four the number of 750 ml spirituous liquor bottles that a micro-distillery may sell to a customer per day <i>(R.C. 4303.041(C)(2))</i> .	Same as Senate.

House Version	Senate Version	Conference Committee Recommendation
Small wineries exemption		
No provision.	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.	Same as Senate.
No provision.	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.	Same as Senate.
No provision.	Modifies the notice (regarding the exemption) that an exempt small winery must provide to customers. <i>(R.C. 3717.22(B)(17).)</i>	Same as Senate.
Emergency		
No provision.	Declares an emergency <i>(Section 4)</i> .	Same as Senate.