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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Substitute Bill Comparative Synopsis

### Sub. S.B. 102

### 134<sup>th</sup> General Assembly

House Commerce and Labor

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CORRECTED VERSION

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Passed by the Senate)	Latest Version (I_134_0418-5)
<b>Sales of alcohol on Sunday</b>	
No provision.	Authorizes a retail liquor permit holder or a liquor agency store to sell beer or intoxicating liquor on Sunday during the same hours that the permit holder or agency contract holder may sell those products on Monday through Saturday ( <i>R.C. 4301.172 and 4303.182(O); makes conforming changes in other R.C. sections</i> ).
No provision.	For a Sunday sales question on a local ballot, requires 50 people to sign the petition, rather than 35% of the people who voted in the last gubernatorial election as provided in current law ( <i>R.C. 4301.33(C)</i> ).

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<b>Special elections for local option</b>	
No provision.	Allows a local option election on the sale of beer and intoxicating liquor to be held at a special election on a day on which a primary election may be held, even if no primary election is held that day. <i>(R.C. 4301.33, 4301.331, 4301.332, 4301.333, 4301.334, and 4301.356).</i>
<b>Outdoor refreshment areas (DORAs)</b>	
No provision.	Revises the law governing outdoor refreshment areas (DORAs) as follows: <ol style="list-style-type: none"> <li>1. Divides DORAs into two population categories (municipal corporations and townships [local communities] with a population of 50,000 or less and those with more than 50,000) instead of three as in current law (35,000 or less; 35,001 to 50,000; and above 50,000);</li> <li>2. Increases the allowable acreage of a DORA to 640 acres for a DORA created in a local community with a population of more than 50,000 and 320 acres for a DORA created in a local community with a population of 50,000 or less (current law sets the acreage limit at 320 for populations above 35,000 and 150 for populations of 35,000 or less);</li> <li>3. For purposes of the number of DORAs allowed in a local community, does both of the following: <ol style="list-style-type: none"> <li>a. Increases the number of DORAs allowed in a local community with a population above 50,000 from four to six;</li> <li>b. Increases to three the number of DORAs allowed in a local community with a population of 50,000 or less (rather than two DORAs for local communities with a population of 35,001 to 50,000 and one DORA for local communities with a population of 35,000 or less as in current law).</li> </ol> </li> </ol>

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	<p>4. Reduces the number of qualified permit holders that must be included in a DORA created in a local community with a population of 50,000 or less from four to two (retains the requirement that DORAs in local communities of 50,000 or more must include four qualified permit holders) (<i>R.C. 4301.82</i>).</p>
<b>Age of alcohol servers</b>	
No provision.	<p>Lowens the eligible age at which a person may serve beer or intoxicating liquor as follows:</p> <ol style="list-style-type: none"> <li>1. A person who is 18, rather than 19 as in current law, may handle beer and intoxicating liquor in open containers in the capacity of a server in a hotel, bar, or restaurant;</li> <li>2. A person who is 18, rather than 21 as in current law, may sell intoxicating liquor across a bar; and</li> <li>3. A person who is 18, rather than 19 as in current law, may sell beer across a bar (<i>R.C. 4301.22(A)(3)</i>).</li> </ol>
<b>Cider growlers</b>	
No provision.	<p>Expands the authority of a winery or farm winery (hereafter winery) to sell cider, by allowing its sale in growlers (not exceeding one gallon capacity) as follows:</p> <ol style="list-style-type: none"> <li>1. To personal consumers for consumption off the premises of the winery; and</li> <li>2. To bars and restaurants (D class liquor permit holders) authorized to sell cider for resale to personal consumers for consumption on or off the premises of the bar or restaurant (<i>R.C. 4303.03(A)(5) and 4303.031(A)(5)</i>).</li> </ol>

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No provision.	Allows a D-2, D-5, or D-5a-p liquor permit holder to sell cider in growlers for on- or off-premises consumption ( <i>R.C. 4303.14(B)(3), 4303.18, and 4303.181</i> ).
<b>Social media</b>	
No provision.	<p>Allows a distributor, manufacturer, trade marketing professional, solicitor, or broker of alcoholic beverages to use free services provided by social media to advertise certain events, including:</p> <ol style="list-style-type: none"> <li>1. An on-premises brand promotion – a promotion of a beer or intoxicating liquor brand by a distributor, manufacturer, trade marketing professional, solicitor, or broker of that brand at a retail permit premises; and</li> <li>2. A product location communication – a listing or program that allows an individual to determine the availability of a specific beer or intoxicating liquor brand at retail liquor permit holders or agency stores in a certain geographic area (<i>R.C. 4301.245</i>).</li> </ol>
<b>Charitable organization fundraising prizes</b>	
No provision.	<p>Does all of the following regarding charitable organization fundraising prizes:</p> <ol style="list-style-type: none"> <li>1. Allows a 501(c)(3) charitable organization to give away beer or intoxicating liquor, without a permit, as a prize in a raffle or game of chance;</li> <li>2. Requires the charitable organization or donors of beer or intoxicating liquor to the organization to purchase the beer or intoxicating liquor from an Ohio-based liquor permittee or agency store, as applicable;</li> </ol>

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	<ol style="list-style-type: none"> <li>3. Requires the charitable organization to conduct the raffle or game of chance in compliance with the law governing gambling. (Therefore, the provision ensures that only organizations authorized to conduct gambling qualify for the liquor-permitting exemption.)</li> <li>4. Requires the charitable organization to submit purchase receipts for the beer or intoxicating liquor used in the game of chance or raffle to the Division of Liquor Control; and</li> <li>5. Requires the Division to establish procedures for the submission of the receipts. (<i>R.C. 4301.58.</i>)</li> </ol>
<b>Use of gift card for alcohol purchases</b>	
No provision.	Eliminates a provision of law that prohibits using more than 30% of a food and beverage gift certificate (e.g., a restaurant gift card) for the purchase of beer or intoxicating liquor for on-premises consumption ( <i>R.C. 4301.22(G)</i> ).
<b>Expansion of sales area of liquor permit premises</b>	
No provision.	<p>Codifies a provision set to expire on December 31, 2022, that does both of the following:</p> <ol style="list-style-type: none"> <li>1. Allows a qualified permit holder to expand the area in which it may sell alcoholic beverages by the individual drink for on-premises consumption as follows: <ol style="list-style-type: none"> <li>a. In any area of the qualified permit holder’s property in which sales are not currently authorized and that is outdoors, including the qualified permit holder’s parking area;</li> <li>b. In any outdoor area of public property that is immediately adjacent to the qualified permit holder’s premises, if the</li> </ol> </li> </ol>

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	<p>permit holder obtains written consent from the local government that owns the property;</p> <p>c. In any outdoor area of private property that is immediately adjacent to the qualified permit holder’s premises, if the permit holder obtains the written consent of the owner of the private property.</p> <p>2. Requires the qualified permit holder to notify the Division of Liquor Control and the Investigative Unit of the Department of Public Safety ten days before the expansion. <i>(R.C. 4303.186.)</i></p>
<b>D-5 liquor permit hours of alcohol sales</b>	
No provision.	Codifies the hours of alcohol sales for certain types of D-5 liquor permits by stating that a bar or restaurant may sell beer and intoxicating liquor from 5:00 a.m. to 2:30 a.m. the following day, but not between 2:30 a.m. and 5:00 a.m. on any day
No provision.	Extends the hours of alcohol sales for a D-5h (allows a nonprofit that operates an art museum or center or community theater to sell beer and intoxicating liquor for on-premises consumption) and D-5k (allows specified botanical gardens to sell beer and intoxicating liquor for on-premises consumption) from 1:00 a.m. to 2:30 a.m. <i>(R.C. 4303.18 and 4303.181.)</i>