



Ohio Legislative Service Commission

Bill Analysis

Amanda M. Ferguson

H.B. 393

131st General Assembly
(As Introduced)

Reps. Blessing, Maag, Becker, Lepore-Hagan, Driehaus

BILL SUMMARY

- Allows a person to possess an open container of beer or intoxicating liquor on the premises of a market if both of the following apply:
 - The beer or intoxicating liquor was purchased from an adjacent D liquor permit premises (retail sales for on- or off-premises consumption); and
 - The market is hosting an event pursuant to an F-8 liquor permit held for the market, has notified the Division of Liquor Control of the event as required under the permit, and grants permission for the possession and consumption within the defined F-8 permit premises.

CONTENT AND OPERATION

Exception to the Open Container Law

Under the existing Open Container Law, a person is generally prohibited from possessing an open container of beer or intoxicating liquor in any public place, unless an exception to the law applies. The bill establishes an exception to the Open Container Law that allows a person to possess an open container of beer or intoxicating liquor on the premises of a market if both of the following apply:

--The beer or intoxicating liquor was purchased from an adjacent D liquor permit premises (generally authorizes the retail sale of beer and intoxicating liquor for on- or off-premises consumption); and

--The market is hosting an event pursuant to an F-8 permit held for the market, has notified the Division of Liquor Control of the event as required under the permit,

and grants permission for the possession and consumption within the defined F-8 permit premises.¹

The bill defines "market" as a market that has been in operation since 1860 and for which an F-8 permit is held (see **COMMENT**).² An F-8 permit allows a not-for-profit organization that manages publicly owned property to sell beer or intoxicating liquor by the individual drink at specific events conducted on the publicly owned property and appurtenant streets.³

COMMENT

It is unclear whether more than one market has been in operation in this state since 1860. As a result, it is unclear whether the bill's provisions constitute special legislation in violation of Article II, Section 26 of the Ohio Constitution, which requires all laws of a general nature to have a uniform operation throughout the state. See *Hixon v. Burson*, 54 Ohio St. 470 (1896).

HISTORY

ACTION	DATE
Introduced	11-09-15

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¹ R.C. 4301.62(C)(8)(a).

² R.C. 4301.62(C)(8)(b).

³ R.C. 4303.208, not in the bill.

