



# Ohio Legislative Service Commission

## Bill Analysis

Jeff Grim

### H.B. 37

131st General Assembly  
(As Passed by the House)

**Reps.** Stinziano and Duffey, Blessing, Antani, Boyd, Buchy, Driehaus, Gerberry, Henne, Leland, Lepore-Hagan, Manning, M. O'Brien, Perales, Ramos, Retherford, Rogers, Sweeney, Young

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## BILL SUMMARY

- Allows a person to possess beer or intoxicating liquor on the premises of a publicly owned market without violating the Open Container Law if the beer or intoxicating liquor was purchased from the holder of a D liquor permit (generally allows sales of beer or intoxicating liquor for on-premises consumption) located in the market.

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## CONTENT AND OPERATION

### Open Container Law exemption

Current law generally prohibits a person from having in the person's possession an opened container of beer or intoxicating liquor in any public place. The bill excludes from the prohibition a person who has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder (generally allows sales of beer or intoxicating liquor for on-premises consumption) that is located in the market. Under the bill, a market is an establishment that:

- (1) Leases space in the market to individual vendors, not less than 50% of which are retail food establishments or food service operations licensed under the law that governs those establishments and operations;
- (2) Has an indoor sales floor area of not less than 22,000 square feet;
- (3) Hosts a farmer's market on each Saturday from April through December; and

(4) Is owned by a political subdivision.<sup>1</sup>

Generally, beer includes all beverages brewed or fermented from malt products that contain between .5 and 12% of alcohol by volume. Intoxicating liquor includes all liquids and compounds, other than beer, containing .5% or more of alcohol by volume.<sup>2</sup>

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## HISTORY

ACTION	DATE
Introduced	02-03-15
Reported, H. Gov't Accountability & Oversight	04-29-15
Passed House (92-3)	05-27-15

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<sup>1</sup> R.C. 4301.62(B)(3) and (F).

<sup>2</sup> R.C. 4301.01, not in the bill.

