



# Ohio Legislative Service Commission

## Bill Analysis

Jeff Grim

### H.B. 178

131st General Assembly  
(As Introduced)

**Reps.** Manning, Sweeney, LaTourette, Brenner, Thompson, Becker, Young, Blessing, Henne, Duffey, Cera, Roegner, Boyd, Maag

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## BILL SUMMARY

- Establishes the F-10 liquor permit to authorize certain A-2 permit holders (wine manufacturers) to sell both of the following at farmers markets:
  - Tasting samples of Ohio wines manufactured by the permit holder for consumption on the premises of the farmers market; and
  - Sealed containers of Ohio wines manufactured by the permit holder for consumption off the premises of the farmers market.
- Exempts a person that sells wine at a farmers market under the F-10 permit from the requirement to be licensed as a retail food establishment under the Retail Food Establishments and Food Service Operations Law.
- Exempts from the Open Container Law a person who has in the person's possession an opened container of wine at a farmers market that is served for on-premises consumption by an F-10 permit holder.

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## CONTENT AND OPERATION

### Sale of wine at farmers markets

The bill establishes the F-10 liquor permit and authorizes the Division of Liquor Control to issue the permit to an A-2 liquor permit holder (wine manufacturer) to do either of the following:

(1) Sell at a farmers market that is registered with the Director of Agriculture tasting samples of wine manufactured by the A-2 permit holder for consumption on the premises where the farmers market is located; or

(2) Sell wine manufactured by the A-2 permit holder in sealed containers for consumption off the premises where the farmers market is located.<sup>1</sup>

Under the bill, an F-10 permit holder is prohibited from selling wine at a farmers market unless: (1) at least 51% of the fruit used to produce the wine is grown in Ohio, and (2) the wine label identifies an appellation of origin, in accordance with federal law, that includes all or a portion of Ohio. In addition, the bill prohibits an F-10 permit holder from selling a tasting sample in an amount that exceeds two ounces and from selling more than one sample of each wine offered for sale to any one person.<sup>2</sup>

An F-10 permit holder must obtain written permission from the person who organizes the farmers market to sell wine and must comply with any requirements established by that person for involvement in the farmers market, including payment of a vendor fee. The F-10 permit is effective for one year and may be used at any farmers market in Ohio, so long as the holder complies with the bill's requirements. The fee for the F-10 permit is \$100.<sup>3</sup>

### **Exemptions**

The bill exempts a person that sells wine at a farmers market under the F-10 permit from the requirement to be licensed as a retail food establishment under the Retail Food Establishments and Food Service Operations Law.<sup>4</sup> The bill also exempts from the Open Container Law a person who has in the person's possession an opened container of wine at a farmers market that is served for on-premises consumption by an F-10 permit holder.<sup>5</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	04-29-15

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<sup>1</sup> R.C. 4303.2010(A) and (B).

<sup>2</sup> R.C. 4303.2010(C) and (D).

<sup>3</sup> R.C. 4303.2010(E) and (F).

<sup>4</sup> R.C. 3717.22(B)(2)(d).

<sup>5</sup> R.C. 4301.62(C)(1)(b).

