



Ohio Legislative Service Commission

Final Analysis

Jeff Grim

Am. H.B. 351

131st General Assembly
(As Passed by the General Assembly)

Reps. Perales and DeVitis, Henne, Hackett, Butler, Ramos, Cera, Becker, Brenner, Dever, Stinziano, Ruhl, Blessing, Young, K. Smith, Brown, Buchy, McColley, Anielski, Antonio, Arndt, Baker, Boggs, Burkley, Celebrezze, Clyde, Driehaus, Duffey, Grossman, Huffman, Koehler, Kunze, Lepore-Hagan, Maag, Manning, M. O'Brien, Patterson, Retherford, Rogers, Scherer, Schuring, Sheehy, Sweeney, Thompson

Sens. Uecker, Beagle, Coley, Eklund, Faber, Hite, Hughes, Jordan, Patton, Seitz, Tavares, Thomas, Williams, Yuko

Effective date: September 28, 2016

ACT SUMMARY

- Allows an A-3a liquor permit holder (craft distillery) to annually manufacture up to 100,000 gallons of spirituous liquor (intoxicating liquor of more than 21% alcohol by volume), rather than up to 10,000 gallons annually as under former law.
- Authorizes an A-3a permit holder to obtain an A-1-A liquor permit, thus allowing the A-3a permit holder to sell beer, wine, mixed beverages, and spirituous liquor by the individual glass or container at specified locations at or near the A-3a permit premises.

CONTENT AND OPERATION

A-3a liquor permit

Increase in annual manufacturing limit

The act allows an A-3a liquor permit holder (craft distillery) to annually manufacture up to 100,000 gallons of spirituous liquor (intoxicating liquor of more than 21% alcohol by volume), rather than up to 10,000 gallons annually as under former law.

* This version updates the effective date.

Under continuing law, an A-3a permit holder may sell spirituous liquor to a personal consumer in sealed containers for consumption off the premises where manufactured.¹

A distiller that manufactures 100,000 gallons of spirituous liquor or more annually (10,000 gallons or more annually under former law) is not eligible for an A-3a permit under the act and must obtain an A-3 liquor permit (large spirituous liquor manufacturer). Under continuing law, an A-3 permit holder is not authorized to sell spirituous liquor directly to a personal consumer.²

Eligibility for the A-1-A liquor permit

The act authorizes an A-3a permit holder to obtain an A-1-A liquor permit. The A-1-A permit allows the permit holder to sell beer, wine, mixed beverages, and spirituous liquor for on-premises consumption, provided that one of the following applies to the A-1-A permit premises:

(1) It is situated on the same parcel or tract of land as the related A-3a permit premises, or not more than 200 feet from it; or

(2) It is separated from the parcel or tract of land on which the A-3a permit premises is located only by public streets or highways or by other lands owned by A-3a permit holder and used by the holder in connection with or in promotion of the A-3a permit business.

Under continuing law, the Division may issue an A-1-A permit to the holder of an A-1 liquor permit (large beer manufacturer, more than 31 million gallons per year), A-1c liquor permit (small beer manufacturer, 31 million gallons per year or less), or A-2 liquor permit (wine manufacturer). The fee for the A-1-A permit is \$3,906.³

The Division cannot issue a new A-1-A permit to the holder of an A-1, A-1c, A-2, or, as added by the act, A-3a permit unless the sale of beer, wine, mixed beverages, and spirituous liquor under class D permits is permitted in the precinct in which the A-1, A-1c, A-2, or A-3a permit is located.⁴ Class D permits generally authorize the retail sale of beer, wine, mixed beverages, or spirituous liquor for on- and off-premises consumption.

¹ R.C. 4303.041(A).

² R.C. 4303.04, not in the act.

³ R.C. 4303.021(A) and (B).

⁴ R.C. 4303.021(D).



HISTORY

ACTION	DATE
Introduced	10-01-15
Reported, H. Gov't Accountability & Oversight	02-24-16
Passed House (94-2)	04-20-16
Reported, S. Agriculture	05-25-16
Passed Senate (32-0)	05-25-16
House concurred in Senate amendments (94-2)	05-25-16

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