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S.B. 320
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. DeMora

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SUMMARY

- Requires an owner or employee of an agency liquor store, at the time of the retail sale of a bottle of allocated spirituous liquor, to open and reseal the bottle.
- Prohibits a person from consuming a bottle of allocated spirituous liquor until the bottle is opened and resealed as required under the bill, and subjects a person who violates the prohibition to civil penalties established via rules adopted by the Liquor Control Commission.
- Specifies that “a bottle of allocated spirituous liquor” is a bottle of spirituous liquor in high demand that is sold in Ohio in limited quantities.
- Requires the Commission to adopt rules that establish an appropriate and effective method of resealing a bottle of spirituous liquor.
- Exempts from the Opened Container Law a bottle of spirituous liquor purchased from an agency store if specified criteria are met, including the bottle is open for resealing in accordance with rules, and no spirituous liquor has been consumed or otherwise removed from the bottle prior to resealing.

DETAILED ANALYSIS

Opening and resealing of spirituous liquor bottles

The bill requires an owner or employee of an agency liquor store,¹ at the time of the retail sale of a bottle of allocated spirituous liquor, to do both of the following:

¹ The owner of an agency liquor store has a contract with the state to sell spirituous liquor for off-premises consumption. An agency store can be a stand-alone store or part of a larger grocery store.

1. Open the bottle of spirituous liquor that is sold; and
2. Reseal the opened bottle in accordance with rules adopted by the Liquor Control Commission under the bill.

A “bottle of allocated spirituous liquor” is a bottle of spirituous liquor to which both of the following apply:

1. It is sold by the manufacturer to the Division of Liquor Control for retail sale at agency stores; and
2. The brand and type of the bottle of spirituous liquor is sold to the Division only in limited quantities such that there is a high demand for the bottle as determined by the Division.

The bill prohibits a person from consuming a bottle of spirituous liquor until the bottle is opened and resealed as required under the bill.

The Liquor Control Commission must adopt rules in accordance with the Administrative Procedures Act establishing both of the following:

1. An appropriate and effective method of resealing a bottle of spirituous liquor for the bill’s purposes; and
2. Civil penalties for violating the above prohibition. The amount of the civil penalties must not exceed \$2,000 per violation.

The bill exempts the rules from continuing law requirements concerning reductions in regulatory restrictions. Currently, the Commission must take actions to reduce regulatory restrictions, including, by June 30, 2025, reducing the amount of regulatory restrictions contained in an inventory created in 2019 in accordance with a statutory schedule. A “regulatory restriction” is any part of an administrative rule that requires or prohibits an action.²

Opened Container Law exemption

The bill exempts from the Opened Container Law a bottle of spirituous liquor purchased from an agency store if either of the following apply:

1. The bottle is open for resealing in accordance with rules adopted under the bill, and no spirituous liquor has been consumed or otherwise removed from the bottle prior to resealing; or
2. The bottle is securely resealed in accordance with those rules and has not subsequently been opened after resealing.³

² R.C. 4301.73.

³ R.C. 4301.62(K).

HISTORY

Action	Date
Introduced	10-31-24
