

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 461

Representative Lorenz

Cosponsors: Representatives Gross, Demetriou

A BILL

To amend section 4301.62 and to enact section 1
4303.2013 of the Revised Code to create the F-13 2
liquor permit to allow the on-premises sale of 3
beer or intoxicating liquor at a business that 4
is not otherwise qualified to obtain a liquor 5
permit. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4301.62 be amended and section 7
4303.2013 of the Revised Code be enacted to read as follows: 8

Sec. 4301.62. (A) As used in this section: 9

(1) "Chauffeured limousine" means a vehicle registered 10
under section 4503.24 of the Revised Code. 11

(2) "Street," "highway," and "motor vehicle" have the same 12
meanings as in section 4511.01 of the Revised Code. 13

(B) No person shall have in the person's possession an 14
opened container of beer or intoxicating liquor in any of the 15
following circumstances: 16

(1) Except as provided in division (C) (1) (e) of this 17

section, in an agency store; 18

(2) Except as provided in division (C) or (J) of this 19
section, on the premises of the holder of any permit issued by 20
the division of liquor control; 21

(3) In any other public place; 22

(4) Except as provided in division (D) or (E) of this 23
section, while operating or being a passenger in or on a motor 24
vehicle on any street, highway, or other public or private 25
property open to the public for purposes of vehicular travel or 26
parking; 27

(5) Except as provided in division (D) or (E) of this 28
section, while being in or on a stationary motor vehicle on any 29
street, highway, or other public or private property open to the 30
public for purposes of vehicular travel or parking. 31

(C) (1) A person may have in the person's possession an 32
opened container of any of the following: 33

(a) Beer or intoxicating liquor that has been lawfully 34
purchased for consumption on the premises where bought from the 35
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 36
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 37
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F- 38
5, F-7, F-8, ~~or F-9~~, or F-13 permit; 39

(b) Beer, wine, or mixed beverages served for consumption 40
on the premises by the holder of an F-3 permit, wine served as a 41
tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for 42
consumption on the premises of a farmers market for which an F- 43
10 permit has been issued, or wine served for consumption on the 44
premises by the holder of an F-4 or F-6 permit; 45

(c) Beer or intoxicating liquor consumed on the premises 46
of a convention facility as provided in section 4303.201 of the 47
Revised Code; 48

(d) Beer or intoxicating liquor to be consumed during 49
tastings and samplings approved by rule of the liquor control 50
commission; 51

(e) Spirituous liquor to be consumed for purposes of a 52
tasting sample, as defined in section 4301.171 of the Revised 53
Code; 54

(f) Beer or intoxicating liquor to be consumed in an 55
outdoor area described in division (B) (1) of section 4303.188 of 56
the Revised Code. 57

(2) A person may have in the person's possession on an F 58
liquor permit premises an opened container of beer or 59
intoxicating liquor that was not purchased from the holder of 60
the F permit if the premises for which the F permit is issued is 61
a music festival and the holder of the F permit grants 62
permission for that possession on the premises during the period 63
for which the F permit is issued. As used in this division, 64
"music festival" means a series of outdoor live musical 65
performances, extending for a period of at least three 66
consecutive days and located on an area of land of at least 67
forty acres. 68

(3) (a) A person may have in the person's possession on a 69
D-2 liquor permit premises an opened or unopened container of 70
wine that was not purchased from the holder of the D-2 permit if 71
the premises for which the D-2 permit is issued is an outdoor 72
performing arts center, the person is attending an orchestral 73
performance, and the holder of the D-2 permit grants permission 74

for the possession and consumption of wine in certain 75
predesignated areas of the premises during the period for which 76
the D-2 permit is issued. 77

(b) As used in division (C) (3) (a) of this section: 78

(i) "Orchestral performance" means a concert comprised of 79
a group of not fewer than forty musicians playing various 80
musical instruments. 81

(ii) "Outdoor performing arts center" means an outdoor 82
performing arts center that is located on not less than one 83
hundred fifty acres of land and that is open for performances 84
from the first day of April to the last day of October of each 85
year. 86

(4) A person may have in the person's possession an opened 87
or unopened container of beer or intoxicating liquor at an 88
outdoor location at which the person is attending an orchestral 89
performance as defined in division (C) (3) (b) (i) of this section 90
if the person with supervision and control over the performance 91
grants permission for the possession and consumption of beer or 92
intoxicating liquor in certain predesignated areas of that 93
outdoor location. 94

(5) A person may have in the person's possession on an F-9 95
liquor permit premises an opened or unopened container of beer 96
or intoxicating liquor that was not purchased from the holder of 97
the F-9 permit if the F-9 permit holder grants permission for 98
the possession and consumption of beer or intoxicating liquor in 99
certain predesignated areas of the premises during the period 100
for which the F-9 permit is issued. 101

(6) (a) A person may have in the person's possession on the 102
property of an outdoor motorsports facility an opened or 103

unopened container of beer or intoxicating liquor that was not 104
purchased from the owner of the facility if both of the 105
following apply: 106

(i) The person is attending a racing event at the 107
facility; and 108

(ii) The owner of the facility grants permission for the 109
possession and consumption of beer or intoxicating liquor on the 110
property of the facility. 111

(b) As used in division (C) (6) (a) of this section: 112

(i) "Racing event" means a motor vehicle racing event 113
sanctioned by one or more motor racing sanctioning 114
organizations. 115

(ii) "Outdoor motorsports facility" means an outdoor 116
racetrack to which all of the following apply: 117

(I) It is two and four-tenths miles or more in length. 118

(II) It is located on two hundred acres or more of land. 119

(III) The primary business of the owner of the facility is 120
the hosting and promoting of racing events. 121

(IV) The holder of a D-1, D-2, or D-3 permit is located on 122
the property of the facility. 123

(7) (a) A person may have in the person's possession an 124
opened container of beer or intoxicating liquor at an outdoor 125
location within an outdoor refreshment area created under 126
section 4301.82 of the Revised Code if the opened container of 127
beer or intoxicating liquor was purchased from an A-1, A-1-A, A- 128
1c, A-2, A-2f, D class, or F class permit holder to which both 129
of the following apply: 130

(i) The permit holder's premises is located within the 131
outdoor refreshment area. 132

(ii) The permit held by the permit holder has an outdoor 133
refreshment area designation. 134

(b) Division (C) (7) of this section does not authorize a 135
person to do either of the following: 136

(i) Enter the premises of an establishment within an 137
outdoor refreshment area while possessing an opened container of 138
beer or intoxicating liquor acquired elsewhere; 139

(ii) Possess an opened container of beer or intoxicating 140
liquor while being in or on a motor vehicle within an outdoor 141
refreshment area, unless the possession is otherwise authorized 142
under division (D) or (E) of this section. 143

(c) As used in division (C) (7) of this section, "D class 144
permit holder" does not include a D-6 or D-8 permit holder. 145

(8) (a) A person may have in the person's possession on the 146
property of a market, within a defined F-8 permit premises, an 147
opened container of beer or intoxicating liquor that was 148
purchased from a D permit premises that is located immediately 149
adjacent to the market if both of the following apply: 150

(i) The market grants permission for the possession and 151
consumption of beer and intoxicating liquor within the defined 152
F-8 permit premises; 153

(ii) The market is hosting an event pursuant to an F-8 154
permit and the market has notified the division of liquor 155
control about the event in accordance with division (A) (3) of 156
section 4303.208 of the Revised Code. 157

(b) As used in division (C) (8) of this section, "market" 158

means a market, for which an F-8 permit is held, that has been 159
in operation since 1860. 160

(D) This section does not apply to a person who pays all 161
or a portion of the fee imposed for the use of a chauffeured 162
limousine pursuant to a prearranged contract, or the guest of 163
the person, when all of the following apply: 164

(1) The person or guest is a passenger in the limousine. 165

(2) The person or guest is located in the limousine, but 166
is not occupying a seat in the front compartment of the 167
limousine where the operator of the limousine is located. 168

(3) The limousine is located on any street, highway, or 169
other public or private property open to the public for purposes 170
of vehicular travel or parking. 171

(E) An opened bottle of wine that was purchased from the 172
holder of a permit that authorizes the sale of wine for 173
consumption on the premises where sold is not an opened 174
container for the purposes of this section if both of the 175
following apply: 176

(1) The opened bottle of wine is securely resealed by the 177
permit holder or an employee of the permit holder before the 178
bottle is removed from the premises. The bottle shall be secured 179
in such a manner that it is visibly apparent if the bottle has 180
been subsequently opened or tampered with. 181

(2) The opened bottle of wine that is resealed in 182
accordance with division (E)(1) of this section is stored in the 183
trunk of a motor vehicle or, if the motor vehicle does not have 184
a trunk, behind the last upright seat or in an area not normally 185
occupied by the driver or passengers and not easily accessible 186
by the driver. 187

(F) (1) Except if an ordinance or resolution is enacted or 188
adopted under division (F) (2) of this section, this section does 189
not apply to a person who, pursuant to a prearranged contract, 190
is a passenger riding on a commercial quadricycle when all of 191
the following apply: 192

(a) The person is not occupying a seat in the front of the 193
commercial quadricycle where the operator is steering or 194
braking. 195

(b) The commercial quadricycle is being operated on a 196
street, highway, or other public or private property open to the 197
public for purposes of vehicular travel or parking. 198

(c) The person has in their possession on the commercial 199
quadricycle an opened container of beer or wine. 200

(d) The person has in their possession on the commercial 201
quadricycle not more than either thirty-six ounces of beer or 202
eighteen ounces of wine. 203

(2) The legislative authority of a municipal corporation 204
or township may enact an ordinance or adopt a resolution, as 205
applicable, that prohibits a passenger riding on a commercial 206
quadricycle from possessing an opened container of beer or wine. 207

(3) As used in this section, "commercial quadricycle" 208
means a vehicle that has fully-operative pedals for propulsion 209
entirely by human power and that meets all of the following 210
requirements: 211

(a) It has four wheels and is operated in a manner similar 212
to a bicycle. 213

(b) It has at least five seats for passengers. 214

(c) It is designed to be powered by the pedaling of the 215

operator and the passengers. 216

(d) It is used for commercial purposes. 217

(e) It is operated by the vehicle owner or an employee of 218
the owner. 219

(G) This section does not apply to a person that has in 220
the person's possession an opened container of beer or 221
intoxicating liquor on the premises of a market if the beer or 222
intoxicating liquor has been purchased from a D liquor permit 223
holder that is located in the market. 224

As used in division (G) of this section, "market" means an 225
establishment that: 226

(1) Leases space in the market to individual vendors, not 227
less than fifty per cent of which are retail food establishments 228
or food service operations licensed under Chapter 3717. of the 229
Revised Code; 230

(2) Has an indoor sales floor area of not less than 231
twenty-two thousand square feet; 232

(3) Hosts a farmer's market on each Saturday from April 233
through December. 234

(H) (1) As used in this section, "alcoholic beverage" has 235
the same meaning as in section 4303.185 of the Revised Code. 236

(2) An alcoholic beverage in a closed container being 237
transported under section 4303.185 of the Revised Code to its 238
final destination is not an opened container for the purposes of 239
this section if the closed container is securely sealed in such 240
a manner that it is visibly apparent if the closed container has 241
been subsequently opened or tampered with after sealing. 242

(I) This section does not apply to a person who has in the
person's possession an opened container of beer or intoxicating
liquor in a public-use airport, as described in division (D) (2)
(a) (iii) of section 4303.181 of the Revised Code, when both of
the following apply:

(1) Consumption of the opened container of beer or
intoxicating liquor occurs in the area of the airport terminal
that is restricted to persons taking flights to and from the
airport; and

(2) The consumption is authorized under division (D) (2) (a)
of section 4303.181 of the Revised Code.

(J) This section does not apply to a person that has in
the person's possession an opened container of homemade beer or
wine that is served in accordance with division (E) of section
4301.201 of the Revised Code.

Sec. 4303.2013. (A) As used in this section, "business"
means a place of business that is not otherwise qualified for
the issuance of a permit under this chapter.

(B) Subject to division (C) of this section, the division
of liquor control may issue an F-13 permit to a business to do
all of the following:

(1) Purchase beer from a holder of an A-1, A-1c, or B-1
permit and sell the beer for on-premises consumption at special
functions held during the validity period of the F-13 permit;

(2) Purchase wine and mixed beverages from a holder of A-
2, A-2f, A-4, B-2, B-4, or B-5 permit and sell the wine or mixed
beverages for on-premises consumption at special functions held
during the validity period of the F-13 permit;

(3) Purchase spirituous liquor from an agency store and 271
sell the spirituous liquor for on-premises consumption at 272
special functions held during the validity period of the F-13 273
permit. 274

An F-13 permit is valid for one day. Not more than ten F- 275
13 permits may be issued to the same applicant in any calendar 276
year. An applicant shall apply for an F-13 permit not less than 277
thirty days prior to the date on which the person intends to 278
conduct sales under the F-13 permit. 279

(C) The division shall not issue an F-13 permit to a 280
business unless the business premises for which the F-13 permit 281
is sought is located in a precinct in which the sale of beer and 282
intoxicating liquor is otherwise permitted by law. However, 283
sales under an F-13 permit on Sundays are not affected by 284
whether Sunday sales of beer and intoxicating liquor for 285
consumption on the premises where sold are allowed to be made by 286
persons holding another type of permit in the precinct. 287

(D) The division shall issue an F-13 permit free of 288
charge. 289

Section 2. That existing section 4301.62 of the Revised 290
Code is hereby repealed. 291