



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 179
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Schaffer

Jeff Grim, Research Associate

SUMMARY

- Exempts a small winery from retail food establishment licensure requirements under specific circumstances, including that the winery serves commercially prepackaged food in a form that prevents direct human contact prior to and during service.

DETAILED ANALYSIS

Retail food establishment exemption – small wineries

The bill exempts certain small wineries from the law governing retail food establishments. Under current law, a retail food establishment is an establishment that stores, processes, prepares, manufactures, or otherwise handles food for retail sale. Examples of retail food establishments are grocery stores and gas stations. A retail food establishment must be licensed to operate by a board of health with oversight by the Director of Agriculture.¹

Current law creates several exemptions from the requirement to be licensed as a retail food establishment (for example, farm markets under certain conditions). The bill also exempts an establishment to which all of the following apply:

1. The establishment is a winery that annually produces 10,000 gallons or less of wine and has been issued an A-2 liquor permit (winery) or an A-2f liquor permit (farm winery);
2. The establishment serves commercially prepackaged food in a form that prevents direct human contact prior to and during service; and
3. Sales of the prepackaged food do not exceed more than 5% of the total gross receipts of the establishment.

¹ R.C. 3717.01 and 3717.21, not in the bill.

The owner or operator of the establishment must notify the Director that it is exempt from licensure because it qualifies under the above circumstances. The owner or operator also must disclose to customers that the establishment is exempt from licensure.²

HISTORY

Action	Date
Introduced	04-01-19

179-I-133/ec

² R.C. 3717.22(B)(17).