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S.B. 63*
134th General Assembly

Bill Analysis

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Version: As Reported by House State and Local Government

Primary Sponsor: Sen. O'Brien

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SUMMARY

D-9 liquor permit

- Authorizes the Division of Liquor Control to issue a D-9 liquor permit to an establishment to sell beer, wine, or mixed beverages in disposable containers at retail for on-premises consumption (annual permit fee is \$500), provided the premises for which the permit is sought:
 - Complies with specified criteria, including hosting automobile sports as its primary activity (e.g., drag racing); and
 - Has a fixed seating capacity for at least 2,000 people.
- Requires the establishment's owner to ensure a licensed food truck serves food during the same hours that alcohol is sold (owner can sell alcohol between 5:30 a.m. and 2:30 a.m. of the next day).
- States that the establishment's premises need not have specified permanent sanitation equipment, which generally is required for retail liquor permit holders, including hot and cold running water and separate toilets for men and women.
- Exempts a person with an opened container of beer, wine, or mixed beverages that is purchased for consumption on a D-9 permit premises from the Open Container Law.

* This analysis was prepared before the report of the House State and Local Government Committee appeared in the House Journal. Note that the legislative history may be incomplete.

Miscellaneous

- Allows a board of county commissioners to authorize a county department of probation to accept payments by financial transaction device.
- Makes multiple designations.

DETAILED ANALYSIS

D-9 liquor permit

The bill authorizes the Division of Liquor Control to issue a D-9 liquor permit to an establishment to sell beer, wine, or mixed beverages in disposable containers at retail for on-premises consumption.¹ To qualify for a D-9 permit, an establishment must:

1. Host automobile sports as its primary activity, including drag racing, with a fixed seating capacity for at least 2,000 people;
2. Be located on at least 90 acres of land in the unincorporated area of a township with a population of less than 15,000 and in a county with a population of less than 130,000 (according to the most recent federal census); and
3. Be located in an election precinct, or at a particular location in a precinct, in which the sale of beer, wine, and mixed beverages is otherwise permitted by law.²

Operational requirements

The D-9 permit holder can sell beer, wine, and mixed beverages for up to 105 days per year. The days need not be consecutive. The establishment's owner must ensure that a food truck licensed by the local board of health of the health district in which the premises is located (local board of health) serves food on the premises of the D-9 permit holder during the same hours that beer, wine, or mixed beverages are sold by the D-9 permit holder. In addition, the permit holder can sell beer, wine, or mixed beverages between 5:30 a.m. and 2:30 a.m. of the next day.³

Under current Liquor Control Commission rules, all retail liquor permit establishments are required to comply with certain sanitation requirements. The bill exempts the premises of a D-9 permit holder from several of those requirements. Specifically, the permit holder need not:

1. Have an adequate supply of hot and cold running water from a source satisfactory to the local board of health;

¹ A disposable container is a receptacle that is disposable and that has a capacity to hold up to 16 ounces of beer or 12 ounces of wine or mixed beverage. Disposable container includes a bottle or can of beer, wine, or mixed beverage produced by the original manufacturer. R.C. 4303.186(A).

² R.C. 4303.186(C).

³ R.C. 4303.186(B).

2. Have separate toilet facilities for men and women;
3. Have water-flushed toilets. In place of water-flushed toilets, the D-9 permit holder must install portable toilets on the premises. The portable toilets must be installed in accordance with the local board of health.
4. Have a wash bowl with running water for each portable toilet. In place of a wash bowl with running water, the D-9 permit holder must install hand sanitizer stations outside each portable toilet.⁴

The annual fee for the D-9 permit is \$500.⁵

Open Container Law

The bill exempts a person with an opened container of beer, wine, or mixed beverages that is purchased for consumption on a D-9 permit premises from the Open Container Law.⁶

County departments of probation

The bill authorizes a county department of probation to accept payments by financial transaction devices, provided the board of county commissioners has authorized county expenses to be paid by that method. In the case of a multicounty department of probation, this entitlement applies only if all the boards of county commissioners of all counties in the multicounty department have authorized payments to be accepted by financial transaction devices. Under the bill, a clerk of the court of common pleas may continue accepting payments by financial transaction devices for a county department of probation that is so authorized.⁷

Under continuing law, a board of county commissioners may adopt a resolution authorizing certain county official to accept payments by financial transaction devices for county expenses.⁸ “Financial transaction device” includes a credit card, debit card, charge card, or prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.⁹

⁴ R.C. 4303.186(D); Ohio Administrative Code 4301:1-1-17.

⁵ R.C. 4303.186(E).

⁶ R.C. 4301.62(C)(1)(a).

⁷ R.C. 301.28(A).

⁸ R.C. 301.28(B).

⁹ R.C. 301.28(A)(1).

Designations

Designates October 23 as “Aromatic L-Amino Acid Decarboxylase Deficiency Awareness Day.”¹⁰

Designates January 11 as “Human Trafficking Awareness Day.”¹¹

HISTORY

Action	Date
Introduced	02-17-21
Reported, S. Local Gov’t & Elections	03-16-21
Passed Senate (32-0)	04-28-21
Reported, H. State & Local Gov’t	--

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¹⁰ R.C. 5.2532.

¹¹ R.C. 5.2319.