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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 195
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 195's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Sen. Schaffer

Local Impact Statement Procedure Required: No

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Highlights

- The bill clarifies that wine does not qualify as a prepackaged food for purposes of food retail establishment licensure, thereby exempting certain wineries from having to obtain a retail food establishment license.

Detailed Analysis

The bill does not appear to have any direct fiscal impact on the state or political subdivisions. The bill seeks to clarify exemptions to retail food establishment licensure for certain wineries. The exemptions described below were first included in H.B. 166 of the 133rd General Assembly, the main operating budget. The bill clarifies these exemptions by specifying that wine does not qualify as a prepackaged food for purposes of these exemptions. Therefore, any such wineries impacted by the bill would not be required to obtain a retail food establishment license from a local health department. These licenses are administered by local health departments, and range from \$100 to \$1,000 depending on the size of the establishment being licensed. Presumably, without the clarifications contained in the bill, certain wineries would be required to obtain such a license.

Under continuing law, retail food establishments must be licensed by a board of health with oversight by the Director of Agriculture. Current law exempts a small winery (a winery with an A-2 or A-2f liquor permit) from licensure as a retail food establishment if (1) the winery serves commercially prepackaged food (including alcohol) without direct human contact, and (2) sales of the food do not exceed 5% of total gross receipts. The bill further clarifies that for purposes of this 5% threshold, commercially prepackaged food does not include wine. There are currently 280 wineries operating in Ohio, although it is unclear as to how many would qualify for the exemption provided in the bill.