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S.B. 195
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Schaffer

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CORRECTED VERSION*

SUMMARY

- Regarding the retail food establishment license exemption for a small winery (A-2 or A-2f liquor permit holder) – which applies only when the winery sells commercially prepackaged food that constitutes 5% or less of sales – clarifies that commercially prepackaged food does not include wine.

DETAILED ANALYSIS

Small wineries exemption

The bill revises the law exempting a small winery (A-2 or A-2f permit holder) that meets certain conditions from the requirement to be licensed as a retail food establishment. 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

Existing law exempts a small winery from licensure as a retail food establishment if the winery meets several conditions, including:

- The winery serves commercially prepackaged food (including alcoholic beverages) in a form that prevents direct human contact prior to and during service; and
- The winery has sales of the prepackaged food that do not exceed 5% of the winery's total gross receipts.

* The corrected version of the analysis corrects a grammatical error.

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

The bill clarifies that, for purposes of the 5% threshold, commercially prepackaged food does not include wine.²

HISTORY

Action	Date
Introduced	09-11-19

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² R.C. 3717.22(B)(17).