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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Synopsis of House Committee Amendments

(This synopsis does not address amendments that may have been adopted on the House Floor.)

S.B. 102 of the 134th General Assembly

House Commerce & Labor

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Home brew

Makes the following changes to the bill's provision's governing home brewers and home brew events:

1. Specifies that home brew events cannot be open to the public;
2. Adds that a home brewer may serve home-brewed beer or wine on private property for personal consumption and to the home brewer's co-workers (retains the authorization that the home brewer may serve it to the home brewer's family, neighbors, and friends on private property as provided in the bill);
3. Adds a permitted restaurant associated with a winery, microdistillery, or small brewery as a place that can host a home brew event;
4. Requires a small brewery, winery, microdistillery, or a permitted restaurant associated with a small brewery, winery, or microdistillery that hosts a home brew event, to do both of the following:

--Suspend its permit privileges in the portion of the permit premises where the event is to occur for the duration of the event; and

--Notify the Division of Liquor Control and the Department of Public Safety's Investigative Unit within 10 days prior to the date of the event.

5. Clarifies that, if an event is hosted by a home brewer's club or group, the club or group may charge a registration fee to a member of the club or group to attend the event.

Sales of alcohol on Sunday

Authorizes a retail liquor permit holder or a liquor agency store to sell beer or intoxicating liquor on Sunday during the same hours that the permit holder or agency contract holder may sell those products on Monday through Saturday.

States that Sunday sales under a temporary F class permit are not affected by whether Sunday sales are authorized for other liquor permit holders in the precinct, provided that the F class permit is issued for other days of the week in addition to Sunday.

For a Sunday sales question that is the sole local option question on a ballot for a particular location or in part or all of a precinct, requires 50 people to sign the petition, rather than 35% of the people who voted in the last gubernatorial election as provided in current law.

Special elections for local option

Allows a local option election on the sale of beer and intoxicating liquor to be held at a special election on a day on which a primary election may be held, even if no primary election is held that day.

Outdoor refreshment areas (DORAs)

Revises the law governing outdoor refreshment areas (DORAs) as follows:

1. Divides DORAs into two population categories (municipal corporations and townships [local communities] with a population of 50,000 or less and those above 50,000) instead of three as in current law (35,000 or less; 35,001 to 50,000; and above 50,000);
2. Increases the allowable acreage of a DORA to 640 acres for a DORA created in a local community with a population above 50,000 and 320 acres for a DORA created in a local community with a population of 50,000 or less (current law sets the acreage limit at 320 for populations above 35,000 and 150 for populations of 35,000 or less);
3. For purposes of the number of DORAs allowed in a local community, does both of the following:
 - a. Increases the number of DORAs allowed in a local community with a population above 50,000 from four to six;
 - b. Increases to three the number of DORAs allowed in a local community with a population of 50,000 or less (rather than two DORAs for local communities with a population of 35,001 to 50,000 and one DORA for local communities with a population of 35,000 or less as in current law).
4. Reduces the minimum number of qualified permit holders that must be included in a DORA created in a local community with a population of 50,000 or less from four to two (retains the requirement that DORAs in local communities above 50,000 must include four qualified permit holders).

Age of alcohol servers

Allows a person who is 18, rather than 19 as in current law, to handle beer and intoxicating liquor in open containers in the capacity of a waiter or waitress in a hotel, bar, or restaurant.

Cider growlers

Allows a D-2, D-5, or D-5a-p liquor permit holder to sell cider in growlers for on- or off-premises consumption.

Social media

Allows a distributor, manufacturer, trade marketing professional, solicitor, or broker of alcoholic beverages to use free services provided by social media to advertise an on-premises brand promotion or a product location communication.

Prohibits a distributor, manufacturer, trade marketing professional, solicitor, or broker from using free services provided by social media to advertise to persons under 21.

Charitable organization fundraising prizes

Allows a 501(c)(3) charitable organization or political organization (organization) to give away beer or intoxicating liquor, without a permit, as a prize in a raffle or silent auction, or as a door prize (fundraiser);

Requires beer or intoxicating liquor used in the fundraiser to be purchased from a person issued an Ohio liquor permit or from an Ohio-based agency store;

Requires a donor of spirituous liquor to an organization for purposes of a fundraiser to submit receipts to the organization showing that the donor purchased the spirituous liquor from an Ohio-based agency store.

Requires the organization to submit the receipts to the Division of Liquor Control.

Requires the Division to establish procedures for the submission of the receipts.

Use of gift card for alcohol purchases

Eliminates a provision of law that prohibits using more than 30% of a food and beverage gift certificate (e.g., a restaurant gift card) for the purchase of beer or intoxicating liquor for on-premises consumption.

Expansion of sales area of liquor permit premises

Extends a provision set to expire on December 31, 2022, to December 31, 2023, that allows a qualified permit holder to expand the area in which it may sell alcoholic beverages under certain circumstances.

Modifies specified aspects of that provision, including removing A-3a liquor permit holders (microdistilleries) from eligibility to expand outdoor areas and requiring all alcoholic beverages sold in an expanded outdoor area to be delivered by the qualified permit holder or their employees.

D-5 liquor permit hours of alcohol sales

Codifies the authorized hours of alcohol sales for certain types of D-5 liquor permits (bars and restaurants) by stating that the permit holder may sell beer and intoxicating liquor

from 5:30 a.m. to 2:30 a.m. the following day, but not between 2:30 a.m. and 5:30 a.m. on any day.

Extends the hours of alcohol sales for a D-5h (allows a nonprofit that operates an art museum or center or community theater to sell beer and intoxicating liquor for on-premises consumption) and D-5k (allows specified botanical gardens to sell beer and intoxicating liquor for on-premises consumption) from 1:00 a.m. to 2:30 a.m.

F-10 liquor permit

Corrects a drafting error in the F-10 liquor permit (temporary permit to allow wineries to sell wine at a farmers market) by eliminating the authorization for large out-of-state wineries to sell at a farmers market.

Allows farm wineries to sell their wine at a farmers market.