

**As Reported by the Senate Agriculture Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. Sub. H. B. No. 444**

**Representative Blessing**

**Cosponsors: Representatives Henne, Grossman, Hambley, Brenner, Conditt, Becker, Ramos, Thompson, Perales, Manning, Buchy, Boose, Dever, Rezabek, Sheehy, Brown, Ashford, Boyd, Dovilla, Driehaus, Duffey, Lepore-Hagan, O'Brien, M., Patterson, Phillips, Rogers, Scherer, Schuring, Slesnick, Sweeney**

**Senators Hackett, Uecker, Beagle, Hite**

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**A BILL**

To amend section 4301.22 of the Revised Code to  
allow A-1-A, A-1c, and certain D liquor permit  
holders to provide free tasting samples of beer,  
wine, and spirituous liquor, as applicable, to a  
person who is 21 years old or older and a paying  
customer of the permit holder.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4301.22 of the Revised Code be  
amended to read as follows:

**Sec. 4301.22.** Sales of beer and intoxicating liquor under  
all classes of permits and from state liquor stores are subject  
to the following restrictions, in addition to those imposed by  
the rules or orders of the division of liquor control:

(A) (1) Except as otherwise provided in this chapter, no  
beer or intoxicating liquor shall be sold to any person under  
twenty-one years of age.

(2) No low-alcohol beverage shall be sold to any person 16  
under eighteen years of age. No permit issued by the division 17  
shall be suspended, revoked, or canceled because of a violation 18  
of division (A) (2) of this section. 19

(3) No intoxicating liquor shall be handled by any person 20  
under twenty-one years of age, except that a person eighteen 21  
years of age or older employed by a permit holder may handle or 22  
sell beer or intoxicating liquor in sealed containers in 23  
connection with wholesale or retail sales, and any person 24  
nineteen years of age or older employed by a permit holder may 25  
handle intoxicating liquor in open containers when acting in the 26  
capacity of a server in a hotel, restaurant, club, or night 27  
club, as defined in division (B) of section 4301.01 of the 28  
Revised Code, or in the premises of a D-7 permit holder. This 29  
section does not authorize persons under twenty-one years of age 30  
to sell intoxicating liquor across a bar. Any person employed by 31  
a permit holder may handle beer or intoxicating liquor in sealed 32  
containers in connection with manufacturing, storage, 33  
warehousing, placement, stocking, bagging, loading, or 34  
unloading, and may handle beer or intoxicating liquor in open 35  
containers in connection with cleaning tables or handling empty 36  
bottles or glasses. 37

(B) No permit holder and no agent or employee of a permit 38  
holder shall sell or furnish beer or intoxicating liquor to an 39  
intoxicated person. 40

(C) No sales of intoxicating liquor shall be made after 41  
two-thirty a.m. on Sunday except under either of the following 42  
circumstances: 43

(1) Intoxicating liquor may be sold on Sunday under 44  
authority of a permit that authorizes Sunday sale. 45

(2) Spirituous liquor may be sold on Sunday by any person 46  
awarded an agency contract under section 4301.17 of the Revised 47  
Code if the sale of spirituous liquor is authorized in the 48  
applicable precinct as the result of an election on question (B) 49  
(1) or (2) of section 4301.351 of the Revised Code and if the 50  
agency contract authorizes the sale of spirituous liquor on 51  
Sunday. 52

This section does not prevent a municipal corporation from 53  
adopting a closing hour for the sale of intoxicating liquor 54  
earlier than two-thirty a.m. on Sunday or to provide that no 55  
intoxicating liquor may be sold prior to that hour on Sunday. 56

(D) No holder of a permit shall give away any beer or 57  
intoxicating liquor of any kind at any time in connection with 58  
the permit holder's business. However, with the exception of an 59  
A-1-A permit holder that also has been issued an A-2 or A-2f 60  
permit, an A-1-A, A-1c, or D permit holder may provide to a 61  
paying customer not more than a total of four tasting samples of 62  
beer, wine, or spirituous liquor, as authorized by the 63  
applicable permit, in any twenty- four-hour period. The permit 64  
holder shall provide the tasting samples free of charge, at the 65  
permit holder's expense, only to a person who is twenty-one 66  
years of age or older. The person shall consume the tasting 67  
samples on the premises of the permit holder. A distributor is 68  
not responsible for the costs of providing tasting samples 69  
authorized under division (D) of this section. 70

As used in division (D) of this section: 71

(1) "Tasting sample" means one of the following, as 72  
applicable: 73

(a) An amount not to exceed two ounces of beer; 74

<u>(b) An amount not to exceed two ounces of wine;</u>	75
<u>(c) An amount not to exceed a quarter ounce of spirituous liquor.</u>	76 77
<u>(2) "D permit holder" means a person that has been issued a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-6, or D-7 permit.</u>	78 79 80 81
(E) Except as otherwise provided in this division, no retail permit holder shall display or permit the display on the outside of any licensed retail premises, or on any lot of ground on which the licensed premises are situated, or on the exterior of any building of which the licensed premises are a part, any sign, illustration, or advertisement bearing the name, brand name, trade name, trade-mark, designation, or other emblem of or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of any beer or intoxicating liquor. Signs, illustrations, or advertisements bearing the name, brand name, trade name, trade-mark, designation, or other emblem of or indicating the manufacturer, producer, distributor, place of manufacture, production, or distribution of beer or intoxicating liquor may be displayed and permitted to be displayed on the interior or in the show windows of any licensed premises, if the particular brand or type of product so advertised is actually available for sale on the premises at the time of that display. The liquor control commission shall determine by rule the size and character of those signs, illustrations, or advertisements.	82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101
(F) No retail permit holder shall possess on the licensed premises any barrel or other container from which beer is drawn, unless there is attached to the spigot or other dispensing	102 103 104

apparatus the name of the manufacturer of the product contained 105  
in the barrel or other container, provided that, if the beer is 106  
served at a bar, the manufacturer's name or brand shall appear 107  
in full view of the purchaser. The commission shall regulate the 108  
size and character of the devices provided for in this section. 109

(G) Except as otherwise provided in this division, no sale 110  
of any gift certificate shall be permitted whereby beer or 111  
intoxicating liquor of any kind is to be exchanged for the 112  
certificate, unless the gift certificate can be exchanged only 113  
for food, and beer or intoxicating liquor, for on-premises 114  
consumption and the value of the beer or intoxicating liquor for 115  
which the certificate can be exchanged does not exceed more than 116  
thirty per cent of the total value of the gift certificate. The 117  
sale of gift certificates for the purchase of beer, wine, or 118  
mixed beverages shall be permitted for the purchase of beer, 119  
wine, or mixed beverages for off-premises consumption. 120  
Limitations on the use of a gift certificate for the purchase of 121  
beer, wine, or mixed beverages for off-premises consumption may 122  
be expressed by clearly stamping or typing on the face of the 123  
certificate that the certificate may not be used for the 124  
purchase of beer, wine, or mixed beverages. 125

**Section 2.** That existing section 4301.22 of the Revised 126  
Code is hereby repealed. 127