

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**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**

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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, an A-1-A, A-1c, or D 59  
permit holder may provide to a paying customer not more than a 60  
total of four tasting samples of beer, wine, or spirituous 61  
liquor, as authorized by the applicable permit, in any twenty- 62  
four-hour period. The permit holder shall provide the tasting 63  
samples free of charge, at the permit holder's expense, only to 64  
a person who is twenty-one years of age or older. The person 65  
shall consume the tasting samples on the premises of the permit 66  
holder. A distributor is not responsible for the costs of 67  
providing tasting samples authorized under division (D) of this 68  
section. 69

As used in division (D) of this section: 70

(1) "Tasting sample" means one of the following, as 71  
applicable: 72

(a) An amount not to exceed two ounces of beer; 73

(b) An amount not to exceed two ounces of wine; 74

(c) An amount not to exceed a quarter ounce of spirituous 75  
liquor. 76

(2) "D permit holder" means a person that has been issued 77  
a D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, 78  
D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-6, or D- 79  
7 permit. 80

(E) Except as otherwise provided in this division, no 81  
retail permit holder shall display or permit the display on the 82  
outside of any licensed retail premises, or on any lot of ground 83  
on which the licensed premises are situated, or on the exterior 84  
of any building of which the licensed premises are a part, any 85  
sign, illustration, or advertisement bearing the name, brand 86  
name, trade name, trade-mark, designation, or other emblem of or 87  
indicating the manufacturer, producer, distributor, place of 88  
manufacture, production, or distribution of any beer or 89  
intoxicating liquor. Signs, illustrations, or advertisements 90  
bearing the name, brand name, trade name, trade-mark, 91  
designation, or other emblem of or indicating the manufacturer, 92  
producer, distributor, place of manufacture, production, or 93  
distribution of beer or intoxicating liquor may be displayed and 94  
permitted to be displayed on the interior or in the show windows 95  
of any licensed premises, if the particular brand or type of 96  
product so advertised is actually available for sale on the 97  
premises at the time of that display. The liquor control 98  
commission shall determine by rule the size and character of 99  
those signs, illustrations, or advertisements. 100

(F) No retail permit holder shall possess on the licensed 101  
premises any barrel or other container from which beer is drawn, 102  
unless there is attached to the spigot or other dispensing 103  
apparatus the name of the manufacturer of the product contained 104

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

(G) Except as otherwise provided in this division, no sale 109  
of any gift certificate shall be permitted whereby beer or 110  
intoxicating liquor of any kind is to be exchanged for the 111  
certificate, unless the gift certificate can be exchanged only 112  
for food, and beer or intoxicating liquor, for on-premises 113  
consumption and the value of the beer or intoxicating liquor for 114  
which the certificate can be exchanged does not exceed more than 115  
thirty per cent of the total value of the gift certificate. The 116  
sale of gift certificates for the purchase of beer, wine, or 117  
mixed beverages shall be permitted for the purchase of beer, 118  
wine, or mixed beverages for off-premises consumption. 119  
Limitations on the use of a gift certificate for the purchase of 120  
beer, wine, or mixed beverages for off-premises consumption may 121  
be expressed by clearly stamping or typing on the face of the 122  
certificate that the certificate may not be used for the 123  
purchase of beer, wine, or mixed beverages. 124

**Section 2.** That existing section 4301.22 of the Revised 125  
Code is hereby repealed. 126