

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 444**

**Representative Blessing**

**Cosponsors: Representatives Henne, Grossman, Hambley, Brenner, Conditt,  
Becker, Ramos, Thompson, Perales, Manning, Buchy, Boose, Dever, Rezabek,  
Sheehy**

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**A BILL**

To amend section 4301.20 of the Revised Code to 1  
allow certain D liquor permit holders to provide 2  
free tasting samples of beer, wine, and 3  
spirituous liquor to a person who is 21 years 4  
old or older and a paying customer of the permit 5  
holder. 6

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

**Section 1.** That section 4301.20 of the Revised Code be 7  
amended to read as follows: 8

**Sec. 4301.20.** This chapter and Chapter 4303. of the 9  
Revised Code do not prevent the following: 10

(A) The storage of intoxicating liquor in bonded 11  
warehouses, established in accordance with the acts of congress 12  
and under the regulation of the United States, located in this 13  
state, or the transportation of intoxicating liquor to or from 14  
bonded warehouses of the United States wherever located; 15

(B) A bona fide resident of this state who is the owner of 16

a warehouse receipt from obtaining or transporting to the 17  
resident's residence for the resident's own consumption and not 18  
for resale spirituous liquor stored in a government bonded 19  
warehouse in this state or in another state prior to December 20  
1933, subject to such terms as are prescribed by the division of 21  
liquor control; 22

(C) The manufacture of cider from fruit for the purpose of 23  
making vinegar, and nonintoxicating cider and fruit juices for 24  
use and sale; 25

(D) A licensed physician or dentist from administering or 26  
dispensing intoxicating liquor or alcohol to a patient in good 27  
faith in the actual course of the practice of the physician's or 28  
dentist's profession; 29

(E) The sale of alcohol to physicians, dentists, 30  
druggists, veterinary surgeons, manufacturers, hospitals, 31  
infirmaries, or medical or educational institutions using the 32  
alcohol for medicinal, mechanical, chemical, or scientific 33  
purposes; 34

(F) The sale, gift, or keeping for sale by druggists and 35  
others of any of the medicinal preparations manufactured in 36  
accordance with the formulas prescribed by the United States 37  
Pharmacopoeia and National Formulary, patent or proprietary 38  
preparations, and other bona fide medicinal and technical 39  
preparations, which contain no more alcohol than is necessary to 40  
hold the medicinal agents in solution and to preserve the same, 41  
which are manufactured and sold as medicine and not as 42  
beverages, are unfit for use for beverage purposes, and the sale 43  
of which does not require the payment of a United States liquor 44  
dealer's tax; 45

(G) The manufacture and sale of tinctures or of toilet, 46  
medicinal, and antiseptic preparations and solutions not 47  
intended for internal human use nor to be sold as beverages, and 48  
which are unfit for beverage purposes, if upon the outside of 49  
each bottle, box, or package of which there is printed in the 50  
English language, conspicuously and legibly, the quantity by 51  
volume of alcohol in the preparation or solution; 52

(H) The manufacture and keeping for sale of the food 53  
products known as flavoring extracts when manufactured and sold 54  
for cooking, culinary, or flavoring purposes, and which are 55  
unfit for use for beverage purposes; 56

(I) The lawful sale of wood alcohol or of ethyl alcohol 57  
for external use when combined with other substances as to make 58  
it unfit for internal use; 59

(J) The manufacture, sale, and transport of ethanol or 60  
ethyl alcohol for use as fuel. As used in this division, 61  
"ethanol" has the same meaning as in section 5733.46 of the 62  
Revised Code. 63

(K) The purchase and importation into this state or the 64  
purchase at wholesale from A or B permit holders in this state 65  
of beer and intoxicating liquor for use in manufacturing 66  
processes of nonbeverage food products under terms prescribed by 67  
the division, provided that the terms prescribed by the division 68  
shall not increase the cost of the beer or intoxicating liquor 69  
to any person, firm, or corporation purchasing and importing it 70  
into this state or purchasing it from an A or B permit holder 71  
for that use; 72

(L) Any resident of this state or any member of the armed 73  
forces of the United States, who has attained the age of twenty- 74

one years, from bringing into this state, for personal use and 75  
not for resale, not more than one liter of spirituous liquor, 76  
four and one-half liters of wine, or two hundred eighty-eight 77  
ounces of beer in any thirty-day period, and the same is free of 78  
any tax consent fee when the resident or member of the armed 79  
forces physically possesses and accompanies the spirituous 80  
liquor, wine, or beer on returning from a foreign country, 81  
another state, or an insular possession of the United States; 82

(M) Persons, at least twenty-one years of age, who collect 83  
ceramic commemorative bottles containing spirituous liquor that 84  
have unbroken federal tax stamps on them from selling or trading 85  
the bottles to other collectors. The bottles shall originally 86  
have been purchased at retail from the division, legally 87  
imported under division (L) of this section, or legally imported 88  
pursuant to a supplier registration issued by the division. The 89  
sales shall be for the purpose of exchanging a ceramic 90  
commemorative bottle between private collectors and shall not be 91  
for the purpose of selling the spirituous liquor for personal 92  
consumption. The sale or exchange authorized by this division 93  
shall not occur on the premises of any permit holder, shall not 94  
be made in connection with the business of any permit holder, 95  
and shall not be made in connection with any mercantile 96  
business. 97

(N) The sale of beer or intoxicating liquor without a 98  
liquor permit at a private residence, not more than five times 99  
per calendar year at a residence address, at an event that has 100  
the following characteristics: 101

(1) The event is for a charitable, benevolent, or 102  
political purpose, but shall not include any event the proceeds 103  
of which are for the profit or gain of any individual; 104

- (2) The event has in attendance not more than fifty people; 105  
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- (3) The event shall be for a period not to exceed twelve hours; 107  
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- (4) The sale of beer and intoxicating liquor at the event shall not take place between two-thirty a.m. and five-thirty a.m.; 109  
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- (5) No person under twenty-one years of age shall purchase or consume beer or intoxicating liquor at the event and no beer or intoxicating liquor shall be sold to any person under twenty-one years of age at the event; and 112  
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- (6) No person at the event shall sell or furnish beer or intoxicating liquor to an intoxicated person. 116  
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- (0) The possession or consumption of beer or intoxicating liquor by a person who is under twenty-one years of age and who is a student at an accredited college or university, provided that both of the following apply: 118  
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- (1) The person is required to taste and expectorate the beer or intoxicating liquor for a culinary, food service, or hospitality course. 122  
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- (2) The person is under the direct supervision of the instructor of the culinary, food service, or hospitality course. 125  
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- (P) (1) A D permit holder from providing, in any twenty-four-hour period of time, not more than a total of four tasting samples of beer, wine, or spirituous liquor free of charge to a person who is twenty-one years of age or older and a paying customer of the permit holder. The person shall consume the tasting samples on the premises of the D permit holder. 127  
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<u>(2) As used in division (P) (1) of this section:</u>	133
<u>(a) "Tasting sample" means one of the following, as applicable:</u>	134
<u>(i) An amount not to exceed two ounces of beer;</u>	135
<u>(ii) An amount not to exceed two ounces of wine;</u>	136
<u>(iii) An amount not to exceed a quarter ounce of spirituous liquor.</u>	137
<u>(b) "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>	138
<b>Section 2.</b> That existing section 4301.20 of the Revised Code is hereby repealed.	139
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