



## LCC Approves Emergency Rule Regarding Sales and Drinks-to-Go

Governor Mike DeWine signed an Executive Order on Friday, July 31, 2020 that put an emergency rule into effect that was passed by the Ohio Liquor Control Commission (“Commission”), a state agency that is separate from the Division of Liquor Control.

The Commission’s emergency rule, Ohio Admin. Code 4301:1-1-80 (“Rule 80”), which can be read in full [here](#),

- prohibits all liquor permit establishments from making alcohol sales for on-premises consumption starting at 10 p.m.;
- prohibits all on-premises consumption of alcohol at these same liquor permit premises between the hours of 11 p.m. and 5:30 a.m.; and
- increases the number of “drinks-to-go” that can be sold with a meal purchase from two (2) to three (3).

Rule 80 went into effect on Friday, July 31, 2020 at 10 p.m. Rule 80 expires on November 29, 2020, unless it is rescinded by the Commission before that date.

Rule 80 does not prohibit businesses from being open past the hours noted above provided that no on-premises alcohol sales or consumption of alcohol are taking place as specified within Rule 80 and all health precautions are followed. Please refer to the [Ohio Department of Health’s guidelines](#) for more details as to the applicable health precautions. Rule 80 also does not prevent permit holders from continuing to sell and deliver carryout beer, wine, and mixed beverages in the original containers until the hours otherwise permitted under Commission Rule 4301:1-1-49. These hours are also listed on its liquor permit.

Regarding drinks-to-go, permit holders that are authorized to sell for on-premises consumption may, under Rule 80, continue to sell and deliver beer, wine, mixed beverages, and spirituous liquor by the individual drink for carryout until the same hours otherwise permitted under Commission Rule 49, and as noted on its liquor permit, provided the following requirements are met:

- The permit holder may sell and deliver drinks that it prepares on the premises for a personal consumer for off-premises consumption;
- Spirituous liquor drinks cannot contain more than two ounces of spirituous liquor per container;
- All drinks sold must be in a closed container;
- Any sale under this paragraph shall include a food purchase from the premises;
- No more than three drinks may be sold per meal;
- The permit holder must comply with all applicable state tax laws; and

- The permit holder remains subject to all liquor laws and rules including hours of operation, minimum age requirements, and the prohibition against sales to intoxicated persons.

All carryout sales or alcoholic drinks-to-go purchases remain subject to Ohio's open container law upon leaving the premises.

The Ohio Investigative Unit will enforce this emergency rule. If a permit holder is found to be in violation, they may be issued a citation. Permit holders may be subject to fines, permit suspension, or revocation.

Contact us via email [web.liqr@com.state.oh.us](mailto:web.liqr@com.state.oh.us) with questions.