



House Bill 669 & House Bill 160: Things to Know

General Information

- The changes to Ohio's liquor laws take effect immediately.
- The changes do not increase permit fees.

H.B. 669:

- **Alcoholic drinks-to-go**
 - The law makes permanent what is currently allowed under [Ohio Liquor Control Commission Rule 80](#) regarding selling alcoholic drinks to-go that the qualified permit holder normally offers for on premises consumption.
 - Under the law, a permit holder can sell up to 3 drinks to-go for off-premises consumption under certain conditions, including selling a meal with the to-go drink order and ensuring that the to-go drink is in a sealed, closed container.
 - A "qualified permit holder" means that the business or person holds an issued A-1, A-1-A, A-1c, A-2, A-2f, A-3a, or D class permit with the exception of D-6 and D-8 permit holders.
 - There is no special permit needed to sell drinks to go nor does the permit holder need to seek Division of Liquor (Division) approval.
 - A permit holder or its employees can deliver the to-go drinks to consumers or a permit holder can work with a licensed H class permit holder to deliver the drinks-to-go on its behalf.
 - The remainder of Commission Rule 80 temporarily limiting the hours that alcohol can be sold and consumed on-premises remains in effect. Rule 80 expires on November 29, 2020, unless it is rescinded by the Commission before that date.
- **Temporary expansions of a liquor permit premises**
 - A qualified permit holder can now expand its liquor permit premises to certain outdoor areas for on-premises consumption purposes without the need to get approval from the Division.
 - A "qualified permit holder" means that the business or person holds an issued A-1, A-1-A, A-1c, A-2, A-2f, A-3a, or a D (except a D-6 or D-8) class permit.

- The outdoor areas where a temporary expansion can occur are:
 1. “any area of the qualified permit holder’s property in which sales are not currently authorized and that is outdoors, including the qualified permit holder’s parking area;”
 2. “any outdoor area of public property that is immediately adjacent to the qualified permit holder’s premises...;” or
 3. “any outdoor area of private property that is immediately adjacent to the qualified permit holder’s premises...”
- In all instances,
 - the expanded area must be outdoors.
 - a permit holder must clearly delineate the expanded area where personal consumers may consume the alcoholic beverages.
 - the permit holder must notify the Division and the Department of Public Safety Investigative Unit of the area where it intends to expand its permit premises and sell alcoholic beverages no later than ten (10) days before those sales start. More information on how to notify the Division is forthcoming.
 - Any temporary expansions under this law expire on December 31, 2022.
- In option 2 or 3,
 - written consent must be obtained from either the specified local government official, if the expanded area is on public property, or the real property owner/landlord if the expanded area will be on private property; and
 - the expanded area must be immediately adjacent to the qualified permit holder’s premises.

H.B. 160

- ***Outdoor refreshment areas (aka DORAs)***

- While the local legislative authority must still adhere to certain newspaper publication requirements throughout the creation of a DORA, it no longer needs to publish the notices once a week for two consecutive weeks.
- The number of DORAs that can be created increased depending on the population of the locality where the DORA would exist.

- ***A-3a permit holders***

- The law remains the same except that an A-3a permit holder can now sell a personal consumer up to three (3) liters of spirituous liquor per day from the permit premises.

- ***Ice cream containing alcohol and A-5 permit holders***
 - An A-5 permit holder can now sell alcoholic ice cream to consumers for off-premises consumption, including via delivery through an H Class permit holder, as well as to retail permit holders for resale to consumers.
 - If an A-5 permit holder ships the ice cream containing alcohol to a personal consumer it must:
 - adhere to certain labeling requirements;
 - make a bona fide effort to ensure that the recipient is at least twenty-one years of age, this includes H permit holders who are shipping the product on behalf of the A-5 permit holder; and
 - keep records of each shipment made to a personal consumer and electronically provide to the Division on an annual basis a report with certain information as set-forth in the law.
 - There is no restriction on the number of pints a customer can purchase from the A-5 permit holder.
- ***Food Establishment License exemption for small wineries***
 - A2 and A2f permit holders that serve unopened commercially prepackaged food, other than wine, would be exempt from obtaining a food establishment license.
 - This exemption only applies if the sales of the prepacked food, other than wine, did not exceed 5% of the establishment's total sales for the previous calendar year.
 - The legislation also requires the permit holder to display a notice informing guests of the retail food establishment exemption.
- ***Contract liquor agencies***
 - Qualified contract agencies are now permitted to sell spirits for on-premises consumption.

If you have any questions, please email us at web.ligr@com.state.oh.us