

LIQUOR PERMIT INFORMATION AND RESOURCE DIRECTORY



OHIO DEPARTMENT OF COMMERCE DIVISION OF LIQUOR CONTROL

As a liquor permit holder, it is your responsibility to know the state liquor laws and the rules of the Ohio Liquor Control Commission that apply to the operation of your business. The Division of Liquor Control has prepared this “Liquor Permit Information and Resource Directory” to serve as a helpful guide for understanding many of the laws and rules (the number of the statute or rule is noted so you can refer to the specific law). The directory is not, however, a complete guide. We suggest that you consult with your attorney on any matters that involve your business and that you refer to, or obtain a copy of, the complete set of the liquor laws and rules as addressed under Chapters 4301 and 4303 of the Ohio Revised Code, Chapters 4301 and 4303 of the Ohio Administrative Code, as well as pertinent sections in several other chapters of the Ohio Revised Code and Ohio Administrative Code.

www.com.ohio.gov/liqr

Division of Liquor Control Mission Statement

To administer the regulatory responsibilities of the Division of Liquor Control to provide for the safe sale and consumption of alcoholic beverages within Ohio; while maximizing revenues returned to the state through efficient management and leadership, sound business principles and quality customer service.

Liquor Permit Districts



<u>District</u>	<u>Renewal Date</u>
District 1 (Central/Eastern)	February 1st
District 2 (Western)	June 1st
District 3 (Northeastern)	October 1st

Table of Contents

SUBJECT	PAGE
Advertising	1
Alcoholic Beverage Definitions	2
Closing Authority/Safekeeping	3
Coil Cleaning	4
Definition/Expansions/Diminutions (reduction) of Premises	5
Employment Issues	5
Food Service Requirements	6
Hindering Inspection	6
Hours of Operation	6
Inspection Requirements	7
Minimum Pricing/Sales Requirements	7
Permit Ownership Privileges	8
Permit Privileges/Duplicate Permits	8
Permit Renewal	9
Permit/License Postings	11
Sale of Alcoholic Beverages Between Premises	11
Sanitation Requirements	12
Sunday Sales Privileges	12
Tax Requirements	13
Temporary “F-2” Permit Holders	14
Where Alcoholic Beverages Can Be Purchased	14
Dos and Don’ts for Permit Holders	16
Resource Directory	22

**Advertising (ORC 4301.22(E),
OAC 4301:1-1-44 and OAC 4301:1-1-43)**

Advertising brand names of alcoholic beverages on the outside of a retail permit premises is prohibited.

Any number of electric or neon signs advertising brands of alcoholic beverages may be displayed within the interior of a permit premises. However, no more than two electric or neon signs advertising brands of alcoholic beverages may be displayed in all of the exterior windows of a retail permit premises.

Any number or size of signs or advertisements other than electric or neon, advertising brands of alcoholic beverages, may be displayed within the interior or in the exterior windows of a permit premises.*

No manufacturer, supplier, or wholesale distributor of alcoholic beverages may sponsor or participate in any advertising for, or with, any retail permit holder. A manufacturer, supplier, or wholesale distributor may state or give the name or address of any permit holder where the alcoholic beverages handled by the manufacturer, supplier, or wholesale distributor may be obtained only when the manufacturer, supplier, or wholesale distributor meets all of the following requirements. The manufacturer, supplier, or wholesale distributor:

- (1) Is responding to a direct inquiry from a consumer received by telephone, mail, an electronic inquiry, or in person.
- (2) Provides the names of two or more unaffiliated retail permit holders.
- (3) Provides written text only, graphics or images being prohibited.
- (4) Lists only the following information about the unaffiliated retail permit holders: the name of the retail permit holder, the permit premises address, web site address, electronic mail address, and telephone number.
- (5) Provides no other information about the retail permit holder. This prohibition includes but is not limited to product prices, a description of the retail permit holder's services, and links to a

retail permit holder's web site.

(6) Provides the information on each retail permit holder in identical format, and

(7) Pays all costs for the production of the provision of the information. The manufacturer, supplier, or wholesale distributor may not accept compensation or any other thing of value for the provision of the information.

* Signs, banners, posters, placards, designs, mirrors, devices, including illuminated devices, decorations, graphic displays or other similar items bearing advertising and for use in the windows or the interior of a retail establishment, may be given free of charge to a retail permit holder by a manufacturer, supplier, importer or wholesale distributor, provided that the manufacturer, supplier, importer or wholesale distributor shall not directly or indirectly pay or credit the retail permit holder for displaying such items or for any expense incidental to their operation. Such items may also include the brand name, price and the retail permit holder's name, address, slogan, marking, or other logo.

Alcoholic Beverage Definitions (ORC 4301.01)

Beer - includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one per cent or more, but not more than twelve percent, of alcohol by volume.

Cider - means all liquids fit to use for beverage purposes that contain one-half of one percent of alcohol by volume, but not more than six percent of alcohol by weight, that are made through the normal alcoholic fermentation of the juice of ripe apples, including flavored, sparkling, or carbonated cider and cider from pure condensed apple must.

Intoxicating Liquor - includes all liquid and compounds, other than beer, containing one-half of one percent or more of alcohol by volume which are fit to use for beverage purposes including wine and mixed beverages, even if it contains less than four percent of alcohol by volume, cider, alcohol, and all solids and confections which contain any alcohol.

Low-Alcohol Beverage - means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than

one-half of one percent of alcohol by volume. This does not include soft drinks such as root beer, birch beer, or ginger beer.

Mixed Beverages - such as bottled and prepared cordials, cocktails, and highballs are products obtained by mixing any type of whiskey, brandy, gin or other distilled spirits, with, or over, carbonated or plain water, pure juice from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one percent of alcohol by volume and not more than 21 percent of alcohol by volume.

Spirituos Liquor - includes all intoxicating liquors containing more than 21 percent of alcohol by volume.

Wine - includes all liquids fit to use for beverage purposes containing not less than one-half of one percent of alcohol by volume, and not more than 21 percent of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products.

**Closing Authority (OAC 4301:1-1-16)/Safekeeping
(Escrow) (ORC 4303.272)**

If a permit holder wishes to close the permit business for more than 30 days, the Division of Liquor Control must be notified by affidavit of the permit holder, or a majority of the officers, partners, or stockholders, or managing members of the permit holder, giving the reason for the request and the period of time to remain closed.

Closing authority shall not extend beyond 180 days except for good cause. During the period of closing authority, the permit premises shall not be used for any other purpose. At the end of the closing authority period, the permit holder shall resume operation. If the permit holder is unable to resume operation and no extension has been granted, the Division shall not renew the permit.

A permit holder may not request closing authority within six months of the issuance of the permit.

Any permit holder whose permit premises are destroyed or made unus-

able for any cause, whose tenancy is terminated for any cause, or whose permit is to be restricted or cancelled as the result of a local option election (except a local option election pursuant to ORC 4301.352) shall deliver the permit to the Division for safekeeping (escrow). The permit may be held in safekeeping until such time as the original permit premises are made available for occupancy, new premises are secured, or until new premises are secured by the permit holder outside the precinct affected by a local option election.

A permit held in safekeeping may be transferred to another location, subject to the provisions of Chapters 4301 and 4303 of the Revised Code. A permit held in safekeeping shall not be renewed more than once, unless the building from which the permit was taken for safekeeping or the building to which the permit is to be transferred is under construction or reconstruction.

Coil Cleaning (OAC 4301:1-1-28)

Beer pipelines, barrel tubes, faucets, and taps must be cleaned not less than every two weeks or as recommended by the beer manufacturer, equipment manufacturer, or manufacturer of the chemical cleaner used. The cleaning must be done with a suitable detergent or detergent and sterilizer combined.

Wine dispensing apparatus, pipelines and barrel tubes must be cleaned at least every 30 days with the solution recommended by the equipment manufacturer.

Record cards noting the date of each cleaning, the method used, and signed by the person performing the cleaning must be maintained on the premises and available for inspection at all times.

Definition of Permit Premises/Premises Expansions/Diminutions (reduction) (OAC 4301-1-02)

Your permit premises is defined when the inspection is made of the premises prior to the liquor permit being issued. The definition of your permit premises is found on a form maintained at the Division of Liquor Control. No selling, storing, serving or consuming of alcoholic beverages may take place outside of this defined premises.

Any expansion or diminution (reduction) of the defined permit premises must be approved by the Division of Liquor Control, and such approval received before using the expanded area as part of your permit premises. Requests should be submitted in writing to the Division's Investigative Services Unit, and should include a diagram, rough sketch or blueprint showing the proposed expansion or diminution (reduction). An expansion such as a deck, patio, storage room, etc. must be on a common piece of ground and/or adjacent to the current permit premises, and must be well defined, properly secured, and delineated by some type of physical structure. Temporary expansions or diminutions (reductions) will **not** be approved.

Employment Issues/Age to Handle and Sell (ORC 4301.22 and OAC 4301:1-1-56)

An 18-year-old may sell beer, wine, mixed beverages or spirituous liquor in **sealed containers only**.

A 19-year-old may handle beer, wine, mixed beverages or spirituous liquor in open containers when acting in the capacity of a waiter or waitress. This includes taking the order, serving the drink, and collecting the money. A 19-year-old may also sell **beer only** across a bar.

A person must be 21 years old to serve as a bartender and mix and sell wine, mixed beverages or spirituous liquor across a bar.

A permit holder may employ a person of any age to handle beer, wine, mixed beverages or spirituous liquor in connection with stocking shelves, bagging, bussing tables, etc.

Food Service Requirements (Chapters 3717 and 4303 of the Revised Code)

All A-1A and D permit premises must be licensed under Chapter 3717 of the Revised Code as a retail food establishment or a food service operation, which must be issued to the same entity and address as the liquor permit. The premises must be equipped to prepare and serve the minimum food required by the Division including: hot soup, sandwiches, and a hot and a cold non-alcoholic beverage.

A D-5 permit holder, however, is not required to prepare food on the premises but may have the minimum food requirements met through catered service that is available during all hours of operation.

It is illegal to give away food in connection with the sale of alcoholic beverages except hot or cold snacks, pretzels, hors d'oeuvres, roasted nuts, popcorn or similar morsels. (ORC 4301.21(C) and OAC 4301:1-1-58)

Hindering Inspection (ORC 4301.10(A)(6), ORC 4301.66, OAC 4301:-1-1-62 and OAC 4301:1-1-79)

No person shall hinder or obstruct an agent or employee of the Division of Liquor Control or the Department of Public Safety or any officer of the law from making an inspection of the permit premises upon presentation of the agent's or officer's credentials.

Hours of Operation on Weekdays and Saturday (ORC 4303.16, ORC 4303.18, ORC 4303.181, 4303.021 and OAC 4301:1-1-49)

The sale and consumption of alcoholic beverages may begin at 5:30 a.m. Monday through Saturday. All sales and consumption of alcoholic beverages must cease at 1 a.m., unless you are the holder of a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5I, D-5J, D-7, or A-1A permit. If you hold one of these permits, sales and consumption of alcoholic beverages must cease at 2:30 a.m. Sunday sales are controlled by local option election law. Your permit will list any restrictions.

Inspection Requirements/Basic and Renewal/Records Maintenance

In addition to the original inspection conducted at the time of application, the Division of Liquor Control may conduct periodic and annual renewal inspections of the premises to ensure compliance with the liquor laws and rules. In order to fully comply with these inspection requirements, you should have the following original records on the premises:

- * Coil Cleaning Records;
- * Food Service Operator's License or a Retail Food Establishment License - if A-1A or D permit holder (a D-5 permit holder must provide proof of catered service, e.g. contract, menu, etc., if food is not prepared on the premises);
- * Posted Price List for Alcoholic Beverages - if licensed for on-premises consumption;
- * Vendor's License.

Minimum Pricing/Sales Requirements (ORC 4301.22(D), OAC 4301:1-1-45(A), OAC 4301:1-1-46(D) and (F), OAC 4301:1-1-03(C), OAC 4301:1-1-72 and OAC 4301:1-1-50(B))

Giving away beer or intoxicating liquor in connection with the operation of the permit business, or giving away any merchandise or thing of value with the purchase of an alcoholic beverage unless authorized by rule or law, is prohibited.

In meeting the minimum mark up on wine, a retailer must mark up the product 50 percent over the "minimum retail invoice cost" for sale in single bottles, and must mark up the product 40 percent over the "minimum retail invoice cost" for sale by the case of the same size, type, class and kind of wine. In addition, A-1A, A-2, B-2, B-5 and retail permit holders may calculate and advertise retail, mixed wine case prices as 10 percent off the retail single bottle minimum price.

In meeting the minimum mark up on beer sold for off-premises consumption only, a retailer must mark up the product 25 percent over the manufacturer's or distributor's wholesale invoice price.

A permit holder must maintain on the premises a schedule of prices for alcoholic beverage drinks to be served or consumed on the premises. The prices are to be effective for not less than one calendar month dating from the first day of each month. Prior to 9 p.m., permit holders may sell, furnish, deliver, or allow the consumption of any of these alcoholic beverages at a lower price during “happy hour” periods. After 9 p.m., no permit holder shall sell, furnish or deliver any alcoholic beverage below the regular, scheduled price.

**Permit Ownership/Transfer of Privileges
(ORC 4303.27 and ORC 4303.29)**

Only the owner and operator of a permit business can sell alcoholic beverages and only at the address where the permit is issued. A permit holder **cannot** sell, assign, transfer or pledge the liquor permit, by land contract, lease, or otherwise; and a permit holder **cannot** allow any other person to own or operate the business without the written consent of the Division of Liquor Control. A permit holder may hire employees, including a manager, to assist in the operation of the liquor permit business. However, the manager must be a bonafide employee of the permit holder.

The permit holder must have the authority to hire, fire, and control the conduct of all employees. The permit holder must pay wages or salaries to the employees and must pay, and have the authority to approve or disapprove, all reasonable and necessary expenses connected with the ownership and operation of the business.

Permit Privileges/Utilization of Privileges/Duplicate Permits (ORC 4303.02 - 4303.231, OAC 4301:1-1-21, ORC 4303.27, ORC 4301.62, ORC 4301.21(D), ORC 4301.19, and ORC 4303.30)

Please refer to your permit privileges as allowed under the above statutes, and as noted on your liquor permit. A permit holder must display the permit, or other authority to operate, in a conspicuous place on the licensed premises. If a permit holder receives a suspension order from the Liquor Control Commission, a copy of the order must be posted over the permit, beginning on the effective date of the suspension through the

termination date of the suspension. Sales of alcoholic beverages during the suspension are forbidden. Permit holders may make purchases or accept deliveries within 14 days of the end of the suspension.

Permit privileges can be exercised only at the location specified on the permit. Permit privileges are not “mobile” and beer, wine and mixed beverages may not be sold or catered at a place other than the address named on the permit. C or D permit holders may, however, deliver beer, wine or mixed beverages in sealed containers when the purchase has been made from the permit premises. This would involve a customer previously coming to the permit premises and placing the order or calling the permit premises with the delivery order. In these cases, the retail permit holder may accept money from a customer of legal age at their door. However, a permit holder is prohibited from attempting to sell alcohol at a customer’s front door where no prior order has been placed.

Permit holders cannot allow open containers of beer, wine or mixed beverages on their premises that were not purchased from them. Further, they cannot allow any alcoholic beverages that have been sold for consumption on the premises to be removed.

Spirituous liquor may only be sold at retail in sealed containers for consumption off the premises by a contract liquor agency.

Wine, mixed beverages and spirituous liquor may be sold for consumption on the premises at no more than two fixed bars or counters. Permit holders must obtain a duplicate bar permit for each additional bar. A “service” bar which is utilized by waiters and waitresses only and not the public, does not require a duplicate bar permit. Further, the holder of a D-1 permit is not required to obtain a duplicate bar permit if the additional bar is exclusively used for the sale of beer only.

**Permit Renewal (ORC 4303.27, ORC 4303.271,
ORC 4303.292(A), and OAC 4301:1-1-43(I))**

Liquor permits must be renewed annually and every permit holder must file a renewal application in order to maintain permit privileges. Refer to the expiration date listed on your permit. Renewal applications are mailed

to the permit premises approximately two months prior to the expiration date. As the renewal application is critical to your operation, it is important that you maintain the appropriate mail receptacle or post office box in order that you receive this document. A renewal application should be filed with the Division of Liquor Control at least 15 days prior to the expiration of the permit. The permit shall then continue in effect until the application is approved or rejected for cause by the Division. A penalty of 10 percent of the permit fee shall be paid by the permit holder if the renewal application is not filed at least 15 days prior to the expiration of the permit. The Division will issue a receipt for renewal fees paid, which serves as the permit holder's authority to operate pending receipt of the renewed permit or adverse action by the Division.

Any permit holder who pays for the renewal of their permit with a check that is not honored for payment shall be subject to rejection by the Division of Liquor Control, or suspension or revocation of the permit by the Liquor Control Commission.

If a renewal application has not been filed by the expiration date, then all operating privileges cease as of that date. Permit holders have a grace period of 30 days from the date of the expiration of the permit to file a renewal application. Any permits that have not been renewed shall be cancelled by the Division for failure to renew.

Local legislative authorities have the right to object to the permit renewal of a problem premises and to request a hearing by the Division as to the advisability of renewing the permit. The grounds for which the Division may refuse to renew the permit are provided in ORC 4303.292(A). The Division may also not renew the permit of any permit holder delinquent in the filing or payment of any sales or withholding tax, penalties, or interest (referred to as H.B. 231). Permit holders are notified of any delinquencies by the Department of Taxation three months prior to the expiration of the permit. The Division shall not renew the permit until notice is received from the Tax Commissioner that the tax delinquency, liability, or assessment has been resolved.

Within 90 days after the expiration date of the permit, a permit holder whose permit is not renewed by the Division under a tax non-renewal

order may file an appeal with the Liquor Control Commission. The permit shall be reinstated if it is demonstrated to the Commission that the notice of delinquency or assessment was in error, or that the delinquency or assessment has been resolved. The Commission may also order conditional renewal of the permit if the permit holder has conditionally resolved the delinquency and continues to satisfy the delinquency.

If a permit is in closing authority or safekeeping, if a transfer of ownership is pending, or if notice of a tax delinquency has been received, it is still necessary and extremely important that the permit holder of record timely file the renewal application.

Permit/License Postings (Liquor Permit, Coil Cleaning, Firearms Warning, F.S.O., Underage Warning, and Vendors) (OAC 4301:-1-1-21, OAC 4301:1-1-28, and ORC 4301.637)

Every permit premises where beer, intoxicating liquor, or any low-alcohol beverage is sold shall display at all times, in a prominent place on the premises, their liquor permit and the following printed cards furnished by the Division:

- * Warning if you are carrying a firearm (for D permit holders only);
- * Warning to person under the age of 21;
- * Warning to person under the age of 18.

Permit holders should also maintain on the premises, and make available for inspection at all times, coil cleaning record cards, Food Service Operator's License or Retail Food Establishment License, and a Vendor's License.

Sale/Transfer of Alcoholic Beverages Between Permit Premises (OAC 4301:1-1-46(B) and ORC 4303.35)

The sale, loaning, exchange, transfer, allocation or delivery of any alcoholic beverages by any retail permit holder to another permit holder or to another permit premises for the purpose of resale is prohibited.

Sanitation Requirements (OAC 4301:1-1-17 and OAC 4301:1-1-28)

The following requirements apply to all retail permit holders:

- * Must have an adequate supply of hot and cold running water.
- * All rooms or other places used to serve or store alcoholic beverages must be maintained in a clean and sanitary manner at all times.
- * All fixtures and equipment must be maintained in a clean and sanitary manner at all times.
- * All outside doors and outside windows shall be protected against flies and other insects by adequate screens or other effective means of preventing flies and insects entering the premises.

The following are requirements for D permit premises or other permits allowing on-premises consumption, but do not apply to D-8 permit holders:

- * Must have a three compartment sink or commercial automatic dishwasher, or an affidavit on file for use of disposable items.
- * Must have two complete restrooms (one for each sex) containing one or more water-flushed toilets, complete with seats. If two or more such toilets are installed, partitions and doors shall be provided to ensure complete privacy.
- * Hand washing facilities in, or convenient to, both restrooms including warm water, soap and sanitary towels or commercial hand-drying equipment.
- * Restroom doors cannot open directly into the kitchen or other food preparation area, and must be equipped with automatic self-closing devices.

Sunday Sales Privileges (ORC 4301.351 and ORC 4301.355)

Sunday sales of intoxicating liquor are permitted only by holders of a D-6 permit. The D-6 permit can only be issued to liquor permit holders as a result of a local option vote approving Sunday sales or as otherwise allowed under law. Permit holders who hold a D-6 permit may sell intoxicating liquor from either 10 a.m. or 1 p.m. until midnight on Sundays,

depending on the hours approved in the local option vote.

The sale of beer on Sundays is determined based on the date of the issuance of the original permit, and/or whether the area where the permit premises are located is wet for Sunday sales of intoxicating liquor. If your permit states on its face, “No Sunday Privileges,” then beer may not be sold on Sunday. If your permit does not contain that restriction, then beer may be sold on Sunday after 5:30 a.m. without a D-6 permit.

All retail permit holders may legally begin beer or intoxicating liquor sales after midnight Sunday, and continue only until 1 a.m. or 2:30 a.m. Monday, as allowed by the permit held.

**Taxes (State Sales/Withholding Tax/HB 231
Renewal/Corporate Franchise Tax/Unemployment
Compensation Tax and TTB Special Occupational Tax)
(ORC 5739.02, ORC 4303.271, ORC 4301.25(A),
ORC 5733.01, and ORC 4141.0)**

Permit holders are required to pay Ohio sales and withholding taxes. Tax delinquencies or failure to file returns can jeopardize the renewal of the permit. If the permit holder is a corporation, corporate franchise taxes must be paid and the corporation must be kept in good standing with the Ohio Secretary of State’s office. All permit holders must also pay the required employer contributions for unemployment compensation tax to the U.C. Tax Bureau of the Ohio Department of Job and Family Services.

The U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB) also requires any sellers of alcoholic beverage products to pay an annual special occupational tax for each sales location. The tax applies to all types of sales including: retail, wholesale, package sales, by the drink sales, on site consumption, and off site consumption.

**Temporary “F-2” Permit Holders/Affiliation With
Permanent Permit Holder (ORC 4303.202)**

A temporary F-2 permit may be issued to a non-profit organization operated for a charitable, cultural, fraternal, or educational purpose, to sell beer and intoxicating liquor by the drink until 1 a.m. for no longer than two days in an area that has been voted wet through local option for those sales privileges.

The non-profit organization shall not be affiliated with the holder of any class of liquor permit, other than a D-4 permit. An F-2 permit may be issued for the same premises for which another class of permit is issued. In this case, an affidavit is required from the permit holder stating that they will not exercise their permit privileges during the course of the F-2 event.

If an applicant wishes the holder of a D-3, D-4, or D-5 permit to conduct the sale of beer and intoxicating liquor at the event, the applicant may request that the F-2 permit be issued jointly to the non-profit organization and the D-permit holder. If a permit is issued jointly, the non-profit organization and the D-permit holder shall both be held responsible for any conduct that violates Ohio’s liquor laws and rules. In addition to the F-2 permit fee paid by the non-profit organization, the D-permit holder shall pay a fee of \$10. A D-permit holder may receive an unlimited number of joint F-2 permits.

**Where Alcoholic Beverages Can Be Legally
Purchased/Cash Purchases/Bad Checks
(ORC 4303.35, ORC 4301.24 and OAC 4301:1-1-43)**

No retail permit holder shall purchase beer, wine or mixed beverages for resale except from the holders of A (manufacturer) or B (distributor) permits. No retail permit holder shall purchase spirituous liquor for resale except from their assigned contract liquor agency.

No retail permit holder shall purchase any brand of alcoholic beverages from any wholesale permit holder, for resale at retail, if the retail permit premises are located outside the wholesale permit holder’s exclusive sales territory.

No retail permit holder shall purchase or receive from any wholesale dis-

tributor any alcoholic beverages except for cash upon receipt of such alcoholic beverage. Any permit holder who pays for alcoholic beverages from a manufacturer, supplier or wholesale distributor with a check that is not honored for payment, shall be subject to rejection by the Division of Liquor Control, or suspension or revocation of the permit by the Liquor Control Commission.

No retail permit holder shall accept any premiums, gifts, loans, discounts, rebates or kickbacks, either in money, merchandise or anything of value, from a manufacturer or wholesale distributor except as authorized in OAC 4301:1-1-43(B). Further, the rearranging or resetting of all or part of a retail permit premises by an individual manufacturer, supplier or wholesale distributor is prohibited. The requirements for a set or reset of a retail permit holder's premises are delineated in OAC 4301:1-1-43(B)(5)(b) through (e).

A manufacturer or wholesale distributor may not stock or refill alcoholic beverages on shelves or displays. However, a manufacturer or wholesale distributor may rotate or move alcoholic beverages that they supplied to a retail permit holder for the purpose of ensuring that the oldest containers sell first.

The manufacturer, out-of-state supplier, or wholesale distributor may, but shall not be required to, replace any alcoholic beverages when the container or labels have deteriorated or become damaged, or when a package or product is discontinued by a manufacturer. Any alcoholic beverages that are being replaced shall be replaced with a package or product of comparable price. Except for unpalatable alcoholic beverages, no manufacturer or wholesale distributor may repurchase or replace any alcoholic beverages in the possession of a retail permit holder **unless the contents are sealed and intact**, and were originally sold by the manufacturer or wholesale distributor or their immediate predecessor.

Dos and Dont's for Retail Permit Holders

Operational Practices

DO allow an agent of the Department of Public Safety or the Division of Liquor Control or an officer of the law to make an inspection of your establishment upon presentation of their credentials. (ORC 4301.66 and OAC 4301:1-1-79)

DO pay and collect cash deposits on all reusable containers. (OAC 4301:1-1-31)

DON'T expand or diminish the areas covered by your permit without getting written permission from the Division of Liquor Control. (OAC 4301-1-02)

DON'T possess any original containers which have been diluted or refilled. (ORC 4301.68 and OAC 4301:1-1-47)

DON'T allow anyone on your premises to solicit a patron to purchase any alcoholic beverage or to solicit for money or anything of value for himself or anyone else. (OAC 4301:1-1-59)

DON'T sell, furnish or allow any person under the age of 21 to consume beer, wine, mixed beverages or spirituous liquor. (ORC 4301.63 and ORC 4301.69)

Sanitary Conditions

DO keep your establishment clean, sanitary and orderly. (OAC 4301:1-1-17)

DO provide adequate, proper and clean restroom facilities for both men and women if you are a class D permit holder. (OAC 4301:1-1-17)

DO provide adequate and proper cleaning equipment such as a three-

compartment sink with hot and cold running water, drain boards, etc., if you are a class D permit holder. (OAC 4301:1-1-28)

DO provide clean beer and wine dispensing equipment as required. (OAC 4301:1-1-28)

Purchasing Statutes/Rules

DON'T purchase or receive from any wholesale distributor any alcoholic beverages except for cash upon receipt of such beverages. (OAC 4301:1-1-43(H))

DON'T accept any gifts, loans, discounts, rebates, either in money, merchandise or anything of value from your manufacturer or wholesale distributor except as authorized in OAC 4301:1-1-43 and ORC 4301.24.

DON'T purchase spirituous liquor for resale from any source other than a state liquor agency, and don't purchase beer, wine or mixed beverages for resale from any source other than an A or B permit holder. (ORC 4303.35)

Serving

DON'T furnish two or more servings of an alcoholic beverage when only one is ordered. (OAC 4301:1-1-50(A))

DON'T give away food in connection with the sale of alcoholic beverages except hot or cold snacks, pretzels, hors d'oeuvres, roasted nuts, popcorn or similar morsels. (ORC 4301.21(C) and OAC 4301:1-1-58)

DO maintain a schedule of prices to be effective for at least one month for all alcoholic beverages to be served and/or consumed on your permit premises. (OAC 4301:1-1-50(B))

DON'T sell an unlimited number of servings of alcoholic beverages

during a set period of time for a fixed price, any alcoholic beverage after 9 p.m. at a price less than the regularly charged price, encourage or permit any game or contest that involves drinking or the awarding of alcoholic beverages as a prize, or increase the volume of alcoholic beverages contained in a serving without increasing proportionately the price charged for such serving. (OAC 4301:1-1-50(A))

DON'T give away any alcoholic beverages.
(ORC 4301.22(D) and OAC 4301:1-1-46)

DON'T furnish "curb service." (OAC 4301:1-1-46 (A))

DON'T allow any spirituous liquor in a permit premises if you are a C-1, C-2, D-1, or D-2 permit holder. (OAC 4301:1-1-55 and ORC 4301.62)

DON'T permit any alcoholic beverage sold for consumption on the premises to be removed. (ORC 4301.21 (D))

Permit Statutes and Rules

DO display your permit or other evidence of your authority to operate in a conspicuous place on the licensed premises. (OAC 4301:1-1-21)

DO apply for safekeeping of your permit with the Division of Liquor Control if your establishment is destroyed or made unusable, or if your tenancy rights are terminated. (ORC 4303.272)

DO request closing authority from the Division of Liquor Control if your business is to be closed more than 30 days. Submit an affidavit giving reasons and period of time to be closed. Failure to do so could result in suspension, revocation, or rejection. (OAC 4301:1-1-16)

DO pay corporate franchise taxes and keep your corporation in good standing with the Secretary of State of Ohio. (ORC 4303.29 and ORC 5733.01)

DO pay employee withholding tax. (ORC 5747.06)

DON'T allow anyone to own or operate your business or use your permit privileges without consent of the Division of Liquor Control. (ORC 4303.27 and 4303.29)

DON'T transfer, assign or pledge your permit to anyone operating your business without prior approval of the Division of Liquor Control. (ORC 4303.29)

Applications: New & Renewal

DO file a timely application for renewal of a permit at least fifteen (15) days prior to the expiration of your existing permit. The expiration date is listed on the face of your permit. (ORC 4303.271(C))

DO post minor warning signs on all permit premises, and firearms warning signs where on-premises consumption is allowed. These signs are available from the Licensing Office or on the Division's Web site at www.liquorcontrol.ohio.gov. (ORC 4301.637)

DO give your application or permit number, name and permit premises address when writing or calling the Division of Liquor Control.

Selling Instructions

DO allow any person employed by a permit holder to handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading or unloading. (ORC 4301.22 and OAC 4301:1-1-56)

DO allow any person employed by a permit holder to handle beer or intoxicating liquor in open containers only in connection with cleaning tables or handling empty bottles or glasses. (ORC 4301.22 and OAC 4301:1-1-56)

DON'T allow anyone under 18 years of age to handle beer or intoxicating liquor in sealed containers in connection with wholesale or retail sales. (ORC 4301.22 and OAC 4301:1-1-56)

DON'T allow anyone under 21 years of age to sell intoxicating liquor across a bar. (ORC 4301.22 and OAC 4301:1-1-56)

DON'T allow anyone under 19 years of age to sell beer in open containers or handle intoxicating liquor in open containers when acting as a waiter or waitress. (ORC 4301.22 and OAC 4301:1-1-56)

DON'T sell any beer or intoxicating liquor to any person under 21 years of age. (ORC 4301.22(A) and 4301.69)

DO sell only to members of your club or organization if you hold a D-4 permit. (ORC 4303.17)

DON'T sell any alcoholic beverages to an intoxicated person. (ORC 4301.22(B))

Hours of Operation

DON'T sell intoxicating liquor on Sundays unless authorized by the permit. (ORC 4301.22(C) and 4303.182)

DON'T sell any malt beverages on Sunday if your permit was first applied for after April 15, 1982 unless the Sunday sale of intoxicating liquor has been approved by the voters in the area. (ORC 4301.35(C))

DON'T sell any alcoholic beverage after 1:00 a.m. unless you are the holder of a D-3A; D-5; D-5A; D-5B; D-5C; D-5D; D-5E; D-5F; D-5I; or A-1A. (ORC 4303.16, 4303.18, 4303.181, 4303.021; and OAC 4301:1-1-49)

DON'T sell any alcoholic beverage after 2:30 a.m. or before 5:30 a.m. on any day, regardless of the permit you hold. (OAC 4301:1-1-49)

Advertising & Display

DO display the brand name or the name of the manufacturer of beer and wine on dispensing apparatus. (ORC 4301.22(F) and OAC 4301:1-1-27)

DON'T advertise brand names of alcoholic beverages on the outside of your establishment. (ORC 4301.22(E) and OAC 4301:1-1-44)

DON'T participate in an advertising program with your distributor or manufacturer. (OAC 4301:1-1-44(E))

DON'T engage in any premium or gift merchandising that is contingent upon the purchase of alcoholic beverages. (OAC 4301:1-1-45 and 4301:1-1-46(D))

RESOURCE DIRECTORY

OHIO DEPARTMENT OF COMMERCE DIVISION OF LIQUOR CONTROL

P.O. Box 4005
6606 Tussing Road
Reynoldsburg, OH 43068-9005
www.liquorcontrol.ohio.gov

Responsible for controlling the manufacture, distribution, and sale of all alcoholic beverages in Ohio. The Division is the state's sole purchaser and distributor of spirituous liquor. Spirituous liquor is sold through more than 440 private businesses, known as liquor agencies, which are contracted by the Division to serve as its sales agents. Significant sales and tax revenues are generated from the sale of spirituous liquor. These revenues are used to help fund a variety of programs offered by various state agencies.

Regulatory functions include the issuance of permits to the state's approximately 25,000 privately owned and operated manufacturers, distributors, and retailers of alcoholic beverages. The Division also regulates industry compliance with the laws pertaining to the manufacture, importation, and distribution of beer, wine, and mixed beverages containing less than 21 percent alcohol by volume in Ohio.

PLEASE HAVE YOUR APPLICATION OR PERMIT NUMBER, PERMIT NAME, AND ADDRESS WHEN CONTACTING THE DIVISION.

-
- For information on spirituous liquor purchases from contract liquor agencies:

Agency Operations Section

(614) 644-2390

- For information on industry compliance relating to beer, wine and low-proof mixed beverage manufacture, distribution and sale, and coil cleaning requirements:

Beer and Wine Section (614) 644-2411

- For general information: (See specific units below)

Licensing Section (614) 644-2360
Fax (614) 644-3166

- For information on closing authority/safekeeping, premises expansions/diminutions (reductions), food service requirements, inspection requirements, permit privileges, and sanitation requirements:

Investigative Services Unit (614) 644-2455

- For information on any pending new application:

New Processing Unit (614) 644-3155

- For information on annual renewal of permits, including HB 231 tax non-renewal orders, and operating privileges:

Renewal Processing Unit (614) 644-3162

- For information on the transfer of permit privileges and the sale of the permit business:

Transfer Processing Unit (614) 644-3156

OTHER RESOURCES

LexisNexis (1-800-562-1197) - To purchase the complete “Ohio Liquor Laws and Rules” book - updated annually.

**OHIO DEPARTMENT OF PUBLIC SAFETY
INVESTIGATIVE UNIT
1970 W. Broad St., 4th Floor
Columbus, OH 43223
www.oiu.ohio.gov**

Responsible for the enforcement of the majority of Ohio’s liquor laws and rules and conducting investigations at licensed and non-licensed locations throughout the state. The unit also has responsibility for enforcing USDA food stamp laws and investigating allegations of criminal misconduct involving food stamps, and has the authority to investigate tobacco sales violations throughout the state.

Please contact this unit for information on the laws relating to advertising, after-hour sales, drugs, food stamps, gambling, happy hour promotions, improper conduct/entertainment, sales to intoxicated persons, Sunday sales, underage sales, tobacco sales, etc.

Enforcement agents from the Department of Public Safety issue administrative citation notices to liquor permit holders for alleged violations of Ohio’s liquor laws and rules. These administrative citation charges are heard before the Ohio Liquor Control Commission (see explanation below). Enforcement agents can also criminally charge individuals observed breaking liquor laws or other related offenses. They either arrest them and take them into custody or, more commonly in lieu of arrest, issue a summons to appear in court. Criminal charges are heard in local court and individuals found guilty are subject to fines or imprisonment. Criminal charges against individuals under age 18 are heard in juvenile court and are subject to punishment as ordered by the juvenile court judge.

Enforcement HOTLINE to Report Violations	1-877-464-6677
Akron Enforcement Office P.O. Box 26365 Akron, OH 44319	330/644-0318
Athens Enforcement Office P.O. Box 99 The Plains, OH 45780	740/797-2880
Cincinnati Enforcement Office P.O. Box 1337 West Chester, OH 45069	513/942-0610
Cleveland Enforcement Office P.O. Box 41036 Brecksville, OH 44141	440/526-8755
Columbus Central Office 1970 W. Broad Street Columbus, OH 43223	614/644-2415
Columbus Enforcement Office 1583 Alum Creek Drive Columbus, OH 43209	614/644-2413
Toledo Enforcement Office 6224 Merger Dr. Holland, OH 43528	419/866-9907

LIQUOR CONTROL COMMISSION

77 S. High St., 18th Floor

Columbus OH 43215

(614) 466-3132 Fax: (614) 466-4564

www.lcc.ohio.gov

The Liquor Control Commission, which is a neutral and independent agency composed of three members appointed by the Governor to six-year terms with the advise and consent of the Senate, serves both judicial and legislative functions.

The Commission hears citation cases concerning alleged violations of Ohio's liquor laws and rules. The Commission considers the merits of each case and has the authority to suspend or revoke the liquor permit if it finds the permit holder guilty. The Commission can also impose a monetary fine in lieu of suspension depending upon the permit holder's prior citation record. In addition, the Commission hears appeals from permit applicants or legislative authorities concerning actions or orders of the Department of Commerce, Division of Liquor Control, as well as appeals on the non-renewal of liquor permits for failure to pay sales taxes. Commission decisions are mailed within 45 days after the hearing, and may be appealed to the Franklin County Court of Common Pleas.

The Commission also has general policy-making powers, and promulgates rules under the Ohio Administrative Code regarding liquor production, sales restrictions, minimum sales mark-up, liquor advertising and other matters related to the manufacture, distribution and sale of beer, wine and spirituous liquor.

**OHIO ATTORNEY GENERAL
LIQUOR UNIT
30 E. Broad St., 26th Floor
Columbus, OH 43215
(614) 466-2980 Fax: (614) 728-9470
www.ag.state.oh.us**

Responsible for the prosecution of all violation/citation cases before the Liquor Control Commission. This unit sends questionnaires to the cited permit holder asking whether the permit holder intends to admit or deny the charges at the Commission hearing. The Liquor Unit schedules all hearings before the Commission, and sends the hearing notice to the permit holder, as well as to permit holder's counsel. In addition, this unit will subpoena any witnesses required to attend the Commission hearing.

This unit represents the Division of Liquor Control on any appeals of Division decisions before the Commission, and represents the Commission on any appeals of Commission decisions through the court system.

-
- Responsible for processing the civilian identification/fingerprint cards of all liquor permit applicants to check for criminal records.

Bureau of Criminal Identification and Investigation (BCI & I) Section (740) 845-2000
P. O. Box 365
London, OH 43140

OHIO DEPARTMENT OF TAXATION

**30 E. Broad St.
Columbus, OH 43215
www.tax.ohio.gov**

- For information on the collection of the combined state and local sales and use taxes, sales and/or withholding tax returns, liabilities, delinquencies and payments:

Sales and Use Tax Division (614) 466-7351
20th floor Fax (614) 466-4977

- For information on the administration of the excise taxes on beer, wine and mixed beverages:

Excise Tax Division (614) 466-3503
19th floor Fax (614) 752-8644

- For information on the administration of the corporate franchise tax:

Corporate Franchise Tax Audit Division (614) 433-7617
1030 Freeway Dr. N. Fax (614) 433-7771
Columbus, OH 43229

OHIO SECRETARY OF STATE

**30 E. Broad St., 14th Floor
Columbus, OH 43215
www.sos.state.oh.us**

- For information on certificates of good standing, articles of incorporation, certificate of authority to do business in Ohio, certificate of continued existence, and certificates of partnership:

Corporation Services (614) 466-3910
Fax (614) 466-3899

- For information on local option elections, petitions and filings:

Elections - General Information

(614) 466-2585

Fax (614) 466-2892

**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
BUREAU OF UNEMPLOYMENT COMPENSATION TAX
4300 Kimberly Parkway
Columbus, OH 43232
www.jfs.ohio.gov**

- For information on unemployment compensation tax liens and other collection related issues:

U.C. Tax Bureau, Collections Section

(614) 466-2319

Fax (614) 466-2783

- For information on filing employer contributions for unemployment compensation tax:

**U.C. Tax Bureau, Contribution Section
Determination Unit**

(614) 466-2319

Fax (614) 752-4811

**U.S. DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND
TRADE BUREAU (TTB)
www.ttb.gov/nrc**

- For information on the special occupational tax:

**Tax and Trade Bureau (TTB)
National Revenue Center
550 Main Street, Suite 8002
Cincinnati, OH 45202**

(513) 684-3334

Toll Free 1-877-882-3277

Please visit the Ohio Division of Liquor Control's Web page at www.com.ohio.gov/liqr for additional information including the following:

- **Answers to Frequent Questions**
- **Permits and Fees**
- **Permits in Safekeeping**
- **Server Training**
- **List of Registered Beer and Wine Products**
- **Division Brochures/Printed Materials**
- **Permit Information and Resource Directory**
- **Safe Alcohol Sales Training booklet**
- **Permit Quota**

**Ohio Department of Commerce
Division of Liquor Control**

**John R. Kasich, Governor
Andre T. Porter, Director**

The Ohio Division of Liquor Control
6606 Tussing Road
P.O. Box 4005
Reynoldsburg, Ohio 43068-9005

*An Equal Opportunity Employer & ADA Service Provider
1-800-750-0750 (TTY/TDD)*

Revised: 1/11