

New Ohio law eases rules on homebrewers and revises other liquor laws



Scott N. Opincar | Friday, March 4, 2022

On March 23, 2022, Ohio Senate Bill 102, signed into law by Gov. Mike DeWine, becomes effective. The new law, which modifies certain of Ohio's liquor laws, attempts to address work shortages in Ohio's bar and restaurant industry and clarifies rules for Ohio homebrewers and homebrewing conventions.

The new law, among other things, changes the rules for:

Homebrewers and Homebrewers' Conventions

The new law eases restrictions on local homebrewers and fermenters, exempting them from certain liquor law permits. The legislation addresses issues some Ohioans have faced when brewing, serving, or hosting events without a valid liquor license, despite the fact it is done in a personal capacity on private property. Senate Bill 102 explicitly allows homebrewers to make beer or wine without a liquor permit, serve it on private property for personal consumption and to the homebrewer's co-workers, and host events where their products are served. Those events can be held on their own property, at a "fraternal organization," or at a small brewery, winery or microdistillery; or at a restaurant associated with one of those businesses, subject to certain limitations.

- Homebrew events cannot be open to the public.
- A homebrewer cannot sell home-brewed beer or wine.
- Requires a small brewery, winery, microdistillery, or a restaurant associated with one of those businesses that hosts a homebrew event, to do both of the following:

New Ohio law eases rules on homebrewers and revises other liquor laws

- Suspend its permit privileges in the portion of the permit premises where the event is to occur for the duration of the event; and
- Notify the Division of Liquor Control and the Department of Public Safety's Investigative Unit within 10 days prior to the date of the event.
- Clarifies that, if an event is hosted by a homebrewer's club or group, the club or group may charge a registration fee to a member of the club or group to attend the event.

Age of Servers of Alcohol

The new law permits a person who is 18 years old, rather than 19 as permitted under current law, to handle beer and intoxicating liquor in open containers in the capacity of a server in a hotel, bar, or restaurant.

Use of Gift Cards for Alcohol Purchases

The new law eliminates a provision of the law that prohibits using more than 30% of a food or beverage gift certificate (restaurant gift card) for the purchase of beer or intoxicating liquor for on-premises consumption.

Sales of Alcohol on Sunday

The new law authorizes a retail liquor permit holder or a liquor agency store to sell beer or intoxicating liquor on Sunday during the same business hours that the permit holder or agency contract holder may sell those products on Monday through Sunday.

Designated Outdoor Refreshment Areas (DORAs)

The COVID-19 pandemic made designated outdoor refreshment areas (DORAs) popular and the new law will allow them to be bigger. Under the new law, DORAs, where alcohol can be served and consumed, will be divided into two categories instead of three.

- The new law divides cities and townships into those above or below 50,000 people.
- Cities and townships above 50,000 people will be able to designate 640 acres for DORAs (double the current limit). In addition, they can spread that acreage across six different locations instead of four.
- Cities and townships with populations below 50,000 people will be able to use 320 acres as DORAs across three locations, which can be clustered together around a group of bars or restaurants with liquor licenses.
- In the smaller DORAs, the necessary number of alcohol permit holders will be cut from four to two. DORAs in cities and townships above 50,000 people must include four qualified permit holders.

Charitable Organization Fundraising Prizes

The new law allows 501(c)(3) charitable organizations or political organizations to give away beer or intoxicating liquor, without a permit, as a prize in a raffle or silent auction, or as a door prize (fundraiser).

- Beer or intoxicating liquor used in the fundraiser must be purchased from a person issued an Ohio liquor permit or from an Ohio-based liquor agency store.
- Requires a donor of spirituous liquor to an organization for purposes of a fundraiser to submit receipts to the organization showing that the donor purchased the spirituous liquor from an Ohio-based agency store.
- Requires the Division of Liquor Control to establish procedures for the submission of receipts.

New Ohio law eases rules on homebrewers and revises other liquor laws

Social Media

The new law allows a distributor, manufacturer, trade marketing professional, solicitor, or broker of alcoholic beverages to use free services provided by social media to advertise an on-premises brand promotion or a product location communication. However, a distributor, manufacturer, trade marketing professional, solicitor, or broker of alcoholic beverages may not use free services provided by social media to advertise to persons under the age of 21.

[Click here to view Senate Bill 102.](#)



Scott N. Opincar