



## Ohio Administrative Code

### Rule 4301:1-1-46 Miscellaneous restrictions.

Effective: June 29, 2018

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(A) No beer or intoxicating liquor shall be sold or served to occupants of automobiles, for consumption therein, and no "curb service" shall be furnished by any permit holder.

(B) No retail permit holder shall sell any alcoholic beverages to other permit holders or any other persons for the purpose of resale. No retail permit holder shall loan, exchange, transfer, allocate, or deliver any alcoholic beverages to another permit holder or to another permit premises. A retail permit holder may transfer alcoholic beverages from a permit premises where the permit is not renewed, the right to sell alcoholic beverages has been cancelled in any manner by law, or the operations have ceased permanently, to another permit premises for which that retail permit holder holds the permit, or to another permit premises for which the retail permit holder receiving the alcoholic beverages has, in the opinion of the superintendent, substantially the same principals as the retail permit holder transferring the alcoholic beverages, but only upon receiving written consent from the division of liquor control. The retail permit holder requesting to transfer the product shall provide a written request for consent to the division, which shall include proof that the retail permit holder offered the wholesale distributor the alcoholic beverages and that the wholesale distributor declined to repurchase the alcoholic beverages, and proof of ownership of the inventory.

(C) No deliveries of beer, or wine and mixed beverages to retail permit holders shall be made by anyone who is not a bona fide employee of the B-1, B-2, B-4, B-5, A-1, A-2, or A-4 permit holder making the sale, except such deliveries may be made as provided by section 4301.60 of the Revised Code.

(D) No alcoholic beverage shall be given away with the purchase of merchandise or any thing of value. An alcoholic beverage may be packaged with a nonalcoholic item without increasing the price of the alcoholic beverage.

(E)



(1) A retail permit holder shall not be prohibited by this rule, rule 4301:1-1-45 of the Administrative Code, or any other rule of the liquor control commission from conducting a program to prevent alcoholic beverage sales to underage individuals. Under the program, the retail permit holder may give the consumer an item that is not an alcoholic beverage, which costs less than three dollars, for failure on the part of the retail permit holder, their employee, or agent, to require the presentation of identification prior to the consumer's purchase of an alcoholic beverage.

(2) The retail permit holder shall conduct this program only for the purpose of requiring the presentation of an operator's license, chauffeur's license, or an identification card, issued pursuant to sections 4507.50 to 4507.52 of the Revised Code, showing that the consumer is of legal age to purchase alcoholic beverages.

(F) Prohibition against sales at wholesale to persons who are not retail permit holders.

(1) No wholesale distributor shall knowingly sell alcoholic beverages at wholesale to a person who is not a retail permit holder.

(2) A wholesale distributor must verify that the person to whom they are selling alcoholic beverages at wholesale is a retail permit holder and shall be deemed to have knowledge of the fact that the person to whom it sold alcoholic beverages is not a retail permit holder when that person was never issued a retail permit or when that person's retail permit was cancelled, revoked, or not renewed by the division of liquor control and evidence of that cancellation, revocation, or non-renewal is made available by the division.

(3) A wholesale distributor shall be deemed not to have knowledge of the fact that a person to whom it sold alcoholic beverages at wholesale is not a retail permit holder when that person has been granted a stay order by the liquor control commission or a court of competent jurisdiction and the wholesale distributor has not been provided evidence that the stay order has been modified or dissolved by the commission or the court issuing the stay order. Electronic transmission of a notice to all licensed wholesalers shall constitute sufficient evidence of a wholesale distributor's knowledge of the modification or dissolution of a stay order.