

Emergency Rule: Ohio Administrative Code 4301:1-1-80

4301:1-1-80 Limitation on hours for on-premises sales or consumption and expansion of sales of beer, wine, mixed beverages, and spirituous liquor for off-premises consumption.

This rule reflects the need to ensure the public health and safety of all Ohio residents and to prevent the spread of COVID-19 within the state of Ohio. It shall apply to all liquor permit holders that are authorized for on-premises consumption, whether for general consumption or tasting samples, of beer, wine, mixed beverages, or spirituous liquor.

A. Notwithstanding any provision contained in rule 4301:1-1-49 of the Administrative Code to the contrary, no permit holder shall:

1. Sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption Monday to Sunday between the hours of 10:00 p.m. and 5:30 a.m.; or
2. Allow consumption of beer, wine, mixed beverages, or spirituous liquor on the premises Monday to Sunday between the hours of 11:00 p.m. and 5:30 a.m.

B. Sale and delivery of beer, wine, and mixed beverages in the original packages for off-premises consumption is permitted by the holders of these permits to the extent permitted by law or rule.

C. Liquor permit holders authorized to sell for on-premises general consumption may sell and deliver beer, wine, mixed beverages or spirituous liquor by the individual drink for off-premises consumption, provided the following requirements are met:

1. The permit holder may sell and deliver drinks that it prepares on the premises for a personal consumer for off-premises consumption;
2. Spirituous liquor drinks cannot contain more than two ounces of spirituous liquor per container;
3. All drinks sold must be in a closed container;
4. Any sale under this paragraph shall include a food purchase from the premises;
5. No more than three drinks may be sold per meal;
6. The permit holder must comply with all applicable state tax laws; and
7. 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.

D. All purchases are subject to open container law upon leaving the permit premises.

E. All persons engaged in the sale of beer, wine, mixed beverages, and spirituous liquor for consumption off the premises where sold should reasonably attempt to ensure that all patrons and staff maintain a distance of six feet or greater when possible for the health and safety of all individuals engaged in the transaction.