

**4301:1-1-24. Miscellaneous beer, wine, and mixed beverage requirements.**

This rule is promulgated pursuant to the provisions of section 4301.13 of the Revised Code to regulate and stabilize the sale and distribution of beer, wine, and mixed beverages in Ohio.

(A) The division shall not issue or renew a B-1, B-2, B-3, B-4, or B-5 permit unless at all times throughout the permit year, the applicant:

(1) Leases or owns warehouse space. Such space shall be sufficient to store at one time a stock of beer, wine, or mixed beverages equal to ten per cent or more of the wholesale distributor's annual case volume of beer, wine, or mixed beverage sales to retail permit holders.

(2) Leases or owns delivery equipment.

(3) Maintains brand representation with at least one beer, wine, or mixed beverage manufacturer; and

(4) Maintains sales of beer, wine, or mixed beverages to retail permit holders within the applicant's assigned sales area or territory making sales to at least ten per cent of the retail permit holders in said area, with separate sales to retail permit holders accounting for at least ninety per cent of the gallonage handled by the applicant.

(B) The division shall not issue or renew a B-1, B-2, B-3, B-4, or B-5 permit to any person who does not in good faith actually carry on or intend to carry on a bona fide beer, wine, or mixed beverage wholesale distributor business by sale to retail permit holders. Failure by a wholesale distributor to actively and in good faith engage in the wholesale distributor business for a period in excess of thirty days, shall be prima facie evidence that said wholesale distributor is not actively and in good faith engaging in said wholesale distributor business.

(C) No retail permit holder shall have any financial interest, directly or indirectly by stock ownership or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of, a B-1, B-2, B-3, B-4, or B-5 permit holder.

(D) The commission may suspend or revoke the license or authorization to import or operate of any manufacturer, supplier, importer, bottler, wholesale distributor, or retail permit holder in Ohio for a violation of these rules or any part thereof.

History:Effective: 08/27/2007.

R.C. 119.032 Review Dates: 05/17/2007 and 06/01/2012.

Promulgated Under: 119.03.

Statutory Authority: 4301.03.

Rule Amplifies: 4301.03, 4301.13.

Prior Effective Dates: 1/1/74, 12/1/81, 9/1/97, 6/2/02.