

STATE OF OHIO

DEPARTMENT OF  LIQUOR CONTROL

George V. Voinovich, Governor

2323 West Fifth Avenue  
Columbus, Ohio 43204-3692  
(614) 644-2360

Michael A. Akrouche, Director

May 2, 1995

Sammi Soutar, Executive Director  
Central Ohio Retail Grocers Association  
4211 Donlyn Court  
Columbus, OH 43232

Dear Ms. Soutar:

In our telephone conversation of April 27, 1995, you requested clarification on two matters of concern to the Central Ohio Retail Grocers Association (CORGA); one regarding the legal age of grocery store cashiers, the other regarding complimentary alcoholic beverages at a bed and breakfast. In answer to these questions, I offer the following.

In regard to your question concerning the legal age of cashiers selling, handling and delivering alcoholic beverages, I have enclosed copies of Ohio Revised Code Section 4301.22(A) and Ohio Administrative Code 4301:1-1-56, which pertain to employment of minors.

Generally, no intoxicating liquor shall be handled by any person under 21 years of age EXCEPT:

- (A) A person 18 years of age or older employed by a permit holder may handle or sell beer or intoxicating liquor for carryout in sealed containers.
- (B) A person 19 years of age or older employed by a permit holder may handle intoxicating liquor in open containers when acting in the capacity of a waiter or waitress.
- (C) A person of any age employed by a permit holder may handle beer or intoxicating liquor in sealed containers in connection with manufacturing, storage, warehousing, placement, stocking, bagging, loading or unloading, and may handle beer or intoxicating liquor in open containers in connection with clearing tables of empty bottles or glasses.

Persons under 21 years of age cannot act in the capacity of a bartender by selling intoxicating liquor behind the bar.

Another question also addressed the proper procedure for a cashier under 18 years of age when beer or intoxicating liquor is brought to the checkout counter.

If a patron is purchasing alcoholic beverages only, the cashier under 18 should have another cashier 18 or older conduct the entire transaction, i.e., scan or ring the sale and accept payment.

If a patron is purchasing other non-alcoholic food and grocery items in addition to the alcoholic beverages, the cashier under 18 should have another cashier 18 or older scan or ring the alcoholic beverages. The cashier under 18 could proceed with the remainder of the transaction (scanning or ringing up the other items and accepting payment for the entire sale, including the alcoholic beverages). As stated in "C" above, anyone can bag the items, including the alcoholic beverages.

In answer to your second question of providing complimentary bottles or glasses of alcoholic beverages to registered guests of a bed and breakfast, it would not be permissible for the facility to make these beverages available on a complimentary basis regardless of whether they held a license issued by this department. If the bed and breakfast held a license, complimentary beverages would be illegal in that Ohio Revised Code Section 4301.22(E) prohibits the holder of a liquor permit from giving away beer or intoxicating liquor of any kind at any time in connection with the operation of the business. If the bed and breakfast were not licensed and provided the alcohol to guests, this also would be illegal since the giving away or the gift of alcohol is considered a sale pursuant to Ohio Revised Code Section 4301.01(2). The inn, therefore, would be guilty of selling alcoholic beverages without a permit. I have enclosed a copy of this section in addition to some other informational pamphlets.

You also asked if a representative from this department would be available to attend a meeting of CORGA on June 12, 1995 at 7:00 P.M. If you would advise me where the meeting is to be held, I will make the necessary arrangements.

I hope this information assists your organization in clarifying some areas of uncertainty. If I may be of further assistance, please feel free to contact me at any time.

Sincerely,



Scott Simon  
Legislative Liaison

SS/clh

Enclosures

cc: Mari-jean Siehl, Deputy Director, Govt. & Public Affairs