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NONPROFIT LEGAL NEWS
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Ohio Nonprofits No Longer Need Permits to Gift Alcohol

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It's no secret that nonprofits use alcohol as part of their fundraising efforts – whether through a wine pull, silent auction, raffle, or as door prizes. However, many might be surprised to know that, until recently, this "sale" of alcohol in fundraising efforts violated Ohio law. The Ohio Revised Code required lengthy paperwork and a time-consuming permit approval process to use alcohol as a fundraiser at charity events. Many nonprofits were unaware of these strict requirements, though, and failed to follow them as part of their fundraising efforts.

What changed?

Recently, Ohio lawmakers reconsidered these tough and outdated restrictions. As of March 23, 2022, 501(c)(3) charitable organizations are permitted to award alcohol prizes at fundraising events as part of raffles, silent auctions, and door prizes without needing a permit.[1]

What are the new requirements?

Before any organizations rush to raffle off a bourbon basket at their next event, however, they should be aware that Ohio law still requires jumping over some administrative hurdles.

1. **Where did you get the liquor?** Liquor used as part of a fundraiser must be purchased from the following:
    a. *Alcohol containing more than 21% ABV or "spiritous liquor":* an agency store located in Ohio.
    b. *Beer, Wine, or Mixed Beverages:* an Ohio liquor permit holder.
2. **Proof of purchase.** Ohio law requires that a donor of spiritous liquor provide the charitable organization purchase receipts showing that the donor purchased the spiritous liquor from an agency store located in Ohio. Although Ohio law does not require charitable organizations to have a copy of the purchase receipt showing that beer, wine, or mixed beverages were purchased from an Ohio liquor permit holder, the Division of Liquor Control recommends obtaining such a receipt.[2]
3. **Submission to the Division of Liquor Control.** Prior to the fundraiser, the charitable organization must collect and submit copies of the retail purchase receipt for all spiritous liquor – regardless of whether the spiritous liquor was donated to or purchased by the organization – to be awarded at the event. Receipts are submitted through an online form that can be found here.

[1] R.C. 4301.58(E).
[2] https://com.ohio.gov/divisions-and-programs/liquor-control/Temporary-event-permits/applications-and-forms/beer-and-intoxicating-liquor-receipts-for-fundraisers

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Finally, while alcoholic beverages may be donated to nonprofit organizations holding fundraising events, they may not be donated by a liquor permit holder or state liquor agency.[3]

Potential Penalties

Violation of Section 4301.58 is first degree misdemeanor, which is punishable by a fine of up to $1,000 and up to 6 months in jail.[4]

Conclusion

Although a common practice, the use of alcohol in fundraising efforts absent an authorized permit was illegal prior to March 2022. Now, Ohio nonprofits have a clear, simple path to ensure compliance with Ohio's liquor laws. To date, the Division of Liquor Control has not aggressively enforced the new fundraising laws. However, the potential implications for failing to comply are severe and nonprofits should take the necessary steps to ensure compliance for all future fundraising events.

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[3] https://com.ohio.gov/divisions-and-programs/liquor-control/Temporary-event-permits/applications-and-forms/beer-and-intoxicating-liquor-receipts-for-fundraisers
[4] R.C. 4301.99.

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