

4301:1-1-52. Entertainment - prohibition against improper conduct.

(A) Definitions as used in this rule:

(1) "Disorderly activities" are those that harass, threaten or physically harm another person including threats or other menacing behavior, fighting, assaults and brawls or any violation as defined by the Ohio Revised Code section 2917.11.

(2) "Nudity" means the showing of the human male or female genital, pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple and/or areola; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of the nipples and/or areola.

(B) Prohibited activities; no permit holder, his agent, or employee shall knowingly or willfully allow in and upon his licensed permit premises any persons to:

(1) Engage in any disorderly activities;

(2) Appear in a state of nudity;

(3) Engage in sexual activity as said term is defined in ORC Chapter 2907;

(4) Commit Public Indecency, as said term is defined in ORC Chapter 2907.

(5) Allow in, upon or about the licensed permit premises, or engage in or facilitate in, the possession, use, manufacture, transfer, or sale of any dangerous drug, controlled substance, narcotic, harmful intoxicant, counterfeit controlled substance, drug, drug paraphernalia, or drug abuse instrument as said terms are defined in ORC Chapter 2925.

(6) Solicit ~~for value or~~, possess, buy, sell, use, alter or transfer for value, or allow to be solicited, possessed, bought, sold, used, altered, or transferred for value USDA food stamp coupons, Electronic Benefit Transfer (EBT) cards, WIC program benefit vouchers, or other electronically transmitted benefits, in a manner not specifically authorized by the Food Stamp Act of 1977, or the Child Nutrition Act of 1966 Chapter 5101. of the Revised Code or Chapter 5101:4-1 of the Administrative Code, or solicit, possess, buy, sell, use, alter, or transfer any products purchased with USDA food stamp coupons, Electronic Benefit Transfer (EBT) cards, WIC program benefit vouchers, or other electronically transmitted benefits for the purpose of obtaining cash or consideration other than eligible food. A conviction or consent decree against the permit holder, its agent or employee for a violation of any of such acts constitutes evidence of a violation of this rule.

(7) Obtain or exert control over property or services of another, with purpose to deprive the owner thereof, without the consent of the owner or person authorized to consent, or by deception, fraud or threat. Nor shall any permit holder, his agent, or employee, use the licensed permit premises to

receive, retain, or dispose of property of another, knowing or having reasonable cause to believe such property has been obtained through the commission of a theft offense.

(8) The prohibition set forth in subsection B(2) shall not apply to any individual exposing a breast in the process of breastfeeding an infant under two years of age.

(C) No permit holder, his agent, or employee shall be intoxicated while acting within the scope of employment, nor shall the permit holder, his agent, or employee knowingly allow another person who is intoxicated while working in the scope of employment to continue working in and upon his licensed permit premises while intoxicated.

(~~C~~ D) Severability - If any provisions of rule 4301:1-1-52 of the Ohio Administrative Code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end the provisions are severable.

History:Replaces: former 4301:1-1-52.

Effective: 2/20/04.

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Promulgated Under: 119.03.

Statutory Authority: 4301.03.

Rule Amplifies: 4301.03 (B).

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