

PUBLIC HEARING OF THE LIQUOR CONTROL COMMISSION

**Thursday, April 22, 2004 at 1:30 p.m.
77 South High St, 19th Floor
Columbus, Ohio 43215**

The purpose of this public hearing of the Ohio Liquor Control Commission is to receive comments and testimony from interested parties with regard to the following rules of the Ohio Administrative Code. In accordance with the provisions of section 119.03 and 119.032 of the Ohio Revised Code, the Liquor Control Commission intends to amend, create and/or rescind the following rules and offers the following synopses of the rules:

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| Rule Number 4301:1-1-04 | (Sacramental Wine)
The Commission is promulgating a new rule which defines the term "sacramental wine" in accordance with federal regulations. |
| Rule Number 4301:1-1-8 | (Permit, issuance of after revocation)
The amendments to this rule are primarily technical. |
| Rule Number 4301:1-1-19 | (Permits: Duties of licensing division)
The current version of this rule is being rescinded and a new version proposed which will clarify the Division of Liquor Control's authority to investigate permit applicants. |
| Rule Number 4301:1-1-25 | (Permits (H), transportation of alcoholic beverages)
The current version of this rule is being rescinded and a new version proposed which deletes language already provided for in statute or federal law. It will also clarify that a person certified by the Public Utilities Commission of Ohio (PUCO) is eligible to receive a Class H permit, as PUCO no longer issues licenses to carriers. |
| Rule Number 4301:1-1-26 | (Permits - identification of vehicles used by "H" permit holders)
The amendments to this rule are primarily technical. |
| Rule Number 4301:1-1-27 | (Spigots; brand name appearing on)
The current version of this rule is being rescinded and a new version proposed which includes several technical changes which will restructure the rule but does not change its requirements. |

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Rule Number 4301:1-1-28	(Beer and wine: cleaning and sterilizing dispensing apparatus) The current version of this rule is being rescinded and a new version proposed which includes several technical changes which will restructure the rule but does not change its requirements.
Rule Number 4301:1-1-29	(Cooperage and cases, use of) To avoid repetitive language, this rule is being rescinded and the necessary language added to rule 4301:1-1-31.
Rule Number 4301:1-1-30	(Beer, wine, mixed beverage, or spirituous liquor tasting) The amendments to this rule clarify that a tasting is a marketing tool utilized by specified Class A and B permit holders, manufacturers or spirituous liquor, and registered solicitors.
Rule Number 4301:1-1-31	(Re-usable containers - definitions and deposit for) The amendments to this rule are primarily technical. In addition to the technical changes, the relevant provision of OAC 4301:1-1-29 has been incorporated into this rule.
Rule Number 4301:1-1-33	(Consumer tasting activities at retail permit premises) This new rule is being proposed to specifically allow for the practice of "bar spending" in Ohio. This practice is permitted under federal regulations at 27 CFR 6.95.
Rule Number 4301:1-1-34	(Temporary permits) The amendments to this rule are primarily technical. The rule will also define the term "temporary permit".
Rule Number 4301:1-1-35	(F permits) This new rule is being proposed to clarify that the entity issued a Class F liquor permit is in control of and directs the payment of proceeds from the event.
Rule Number 4301:1-1-36	(Temporary liquor permits held by not for profit entities)

This new rule is being proposed and will clarify that the not for profit entity issued a temporary liquor permit is in control of and directs the payment of proceeds from the event.

- Rule Number 4301:1-1-37 (Chemical analysis requirements)
The amendments to this rule are primarily technical.
- Rule Number 4301:1-1-38 (Use of chemical analysis affidavits)
The amendments to this rule are primarily technical.
- Rule Number 4301:1-1-41 (Reports by B-2 and B-4 permit holders)
This rule is being rescinded as it has been determined that it is no longer necessary.
- Rule Number 4301:1-1-42 (Reports by A-2, A-4, and H permit holders)
This rule is being rescinded as it has been determined that it is no longer necessary.
- Rule Number 4301:1-1-43 (Furnishing Signs, Fixtures, Equipment, Advertising Materials, and Advertising Specialties, Return of Merchandise: Limitations Thereon: Prohibited Practices and Prohibition of Cash Deposit or Pre-payment)
The amendments to this rule will prohibit a manufacturer or wholesale distributor from providing glassware or other containers to a retail permit holder.
- Rule Number 4301:1-1-44 (Advertising)
The Commission is proposing changes to rule 4301:1-1-71 along with changes to this rule in order to have consistent language in both rules. The Commission is rescinding the current version of this rule and proposing a new rule that will limit the scope of the advertising rule to those actions taking place in Ohio, and distinguish between those activities that take place on or off permit premises.
- Rule Number 4301:1-1-71 (Sponsorship of athletic events or tournaments, concerts, shows, or entertainment)
The Commission is proposing changes to rule 4301:1-1-44 along with changes to this rule in order to have consistent language in both rules. The

amendments to this rule will help clarify the type of activities that a manufacturer may sponsor.

In accordance with section 119.03 and 119.032 of the Ohio Revised Code, the proposed rules are subject to review and comment. At this public hearing, any person interested may appear on their own behalf, with counsel, or may be represented by counsel, and may offer evidence and give testimony with respect to the advisability or necessity in behalf of or against this rule.

After each person has presented their testimony or made a copy available, the comments will be entered into the transcript of this public hearing and will be considered by the Liquor Control Commission.