

**MEMORANDUM**

TO: Sam Porter, Executive Director, Ohio Liquor Control Commission

FROM: Sophia Papadimos, Regulatory Policy Assistant

DATE: May 1, 2015

RE: **CSI Review – Proposed Amended Rules (OAC 4301:1-1-8, -14, -25, -30, -44, and -45)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of six rules being proposed by the Ohio Liquor Control Commission pursuant to the five-year review required in statute. Five of the rules are being proposed with amendments and one rule is being proposed without changes.¹ The rule package was submitted to the CSI Office on March 5, 2015, after the public comment period closed on February 23, 2015. Two comments were received during the public comment period in support of the proposed amendments.

Ohio Administrative Code (OAC) 4301:1-1-30 sets forth the procedures for conducting tastings of beer, wine, mixed beverages or spirituous liquor to determine the quality and character of the product for marketing purposes. OAC 4301:1-1-44 defines advertising terms and describes permissible advertising methods. OAC 4301:1-1-45 describes the requirements for lawful contests, prizes, sales incentive programs, rebates and other promotions conducted by manufacturers and suppliers of alcoholic beverages. OAC 4301:1-1-8, 4301:1-1-14 and 4301:1-1-25 pertain to the permitting process; including when permits can be issued, transferred, or renewed at a particular location.

¹ OAC 4301: 1-1-08 is being amended by more than 50 percent. Therefore, the Legislative Service Commission requires the rule be rescinded and replaced with a new rule with the same number.

The adverse impacts identified in the BIA include the time necessary to submit an application for a permit and the potential for fines, license suspension or revocation if found to be not in compliance with the rules.

The Commission included stakeholders in the rule-review process and incorporated most suggestions received. Therefore, after reviewing the proposed rules and BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impacts identified in the BIA.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Commission should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Director of Regulatory Policy