

**MEMORANDUM**

TO: Ellen Leidner, Assistant Director, Ohio Liquor Control Commission

FROM: Emily Kaylor, Regulatory Policy Advocate

DATE: May 27, 2016

RE: **CSI Review – 2016 Rules (OAC 4301:1-1-64, -65, -66, -67, -76, -77, -78, and -79)**

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 eight rules proposed by the Ohio Liquor Control Commission (Commission) pursuant to the five-year review requirement in statute. Five of the rules are proposed with amendments and three rules are proposed without changes. The rule package was submitted to the CSI Office on April 13, 2016 and the comment period was held open through April 21, 2016. No comments were received during this time.

The proposed rules deal with Liquor Control Commission permits, Commission practices, and inspections. The Commission included stakeholders in the rule-review process by sending the rules to their comprehensive list of interested parties that includes representatives from governmental entities and industry representatives, all relating to liquor business. The only comments came from the Department of Commerce's Division of Liquor Control, and amendments were made to clarify or update terms.

The adverse impact affects all classes of liquor permit holders and entities interested in being notified of Commission meetings. None of the rules contain permit fees, and the amendment to OAC 4301:1-1-77 removes the five-dollar annual fee to receive meeting notices from the Commission, so these rules do not have an adverse fiscal impact on businesses. These rules set regulations for Commission hearings and permit quotas which do affect businesses, but are

required by the Ohio Revised Code. The BIA states that Ohio has a long history of regulating the manufacture, distribution, and retail sale of alcoholic beverages and it is a unique industry that requires strict regulation for the health, safety, and protection of the public.

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.

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 Ohio Liquor Control Commission should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office