



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Dominic Panzera, Ohio Liquor Control Commission

FROM: Jacob Ritzenthaler, Business Advocate

DATE: January 3, 2024

RE: CSI Review – 2023 Rescission (OAC 4301:1-1-56)

On behalf of Lt. Governor Jon Husted, 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 Commission as provided for in ORC 107.54.

Analysis

This rule package consists of one rescinded rule proposed by the Ohio Liquor Control Commission (Commission) as part of the statutorily required five-year review process. This rule package was submitted to the CSI Office on December 4, 2023, and the public comment period was held open through December 12, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on December 4, 2023.

Ohio Administrative Code 4301:1-1-56 establishes requirements for the employment of individuals under the age of eighteen by liquor permit holders. The rule allows individuals at least nineteen years of age to handle alcoholic beverages while working as a waiter or waitress. Individuals that are eighteen years old may handle alcoholic beverages in connection with wholesale, retail sales, manufacturing, storage, warehousing, placement, or delivery. The rule is proposed for rescission to avoid requirements that are duplicative of new statutes.

During the CSI public comment period, the Commission sent the rule to industry stakeholders for feedback. No comments were received during that time.

The business community impacted by the rule includes all liquor permit holders, including retailers,

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wholesalers, manufacturers, and distributors. The adverse impact created by the rule includes ensuring underage employees are conducting tasks suitable to their age in relation to alcoholic beverages. The Commission may fine and suspend or revoke the license of any permit holder found to have violated the rule requirements. The Commission states that the rule is no longer necessary, as it would be duplicative of newly adopted statutory requirements.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Commission should proceed in filing the proposed rule with the Joint Committee on Agency Rule Review.