Jeff Grim *Legislative Service Commission*

Am. Sub. H.B. 306

125th General Assembly
(As Passed by the House)

Reps. Wolpert, Aslanides, Barrett, Carmichael, Collier, DeBose, C. Evans, Flowers, Key, Martin, T. Patton, Price, S. Smith, D. Stewart, Woodard, Yates

BILL SUMMARY

- Eliminates the authority of the Division of Liquor Control to order liquor permit holders to stop selling intoxicating liquor to certain persons.
- Authorizes the Division to share Social Security numbers with the Department of Public Safety, the Department of Taxation, the Attorney General's office, or other state or local law enforcement agencies for specific purposes.
- Authorizes the Department of Commerce or one of its divisions to seek Bureau of Criminal Identification and Investigation and Federal Bureau of Investigation criminal records checks for specified persons.
- Changes the annual permit fees for A-2 (wine manufacturing), B-2 (wholesale wine distribution), and B-4 (wholesale mixed beverage distribution) permit holders.
- Changes the qualifications for issuance of the D-5a (hotel or motel) permit and B-5i (certain restaurants) permit.
- Authorizes the holder of an F-4 permit to charge for wine in two-ounce samples.
- Eliminates the requirement that persons who order special varieties or brands of spirituous liquor from the Division of Liquor Control secure the order with a deposit.
- Revises the deadline for paying the requisite annual liquor permit fee for a liquor permit and for a duplicate liquor permit.

- Changes the name of the out-of-state supplier "consent to import" to "supplier registration," and imposes on all covered manufacturers or suppliers of beer or intoxicating liquor a uniform supplier registration fee.

- Eliminates the annual registration fee for coil cleaners of beer-dispensing equipment.

- Requires biennial payment of the registration fee that must be paid by agents, solicitors, and salespersons of manufacturers, suppliers, brokers, and wholesale distributors of beer or intoxicating liquor.

- Changes the manners of disposal of beer or intoxicating liquor that: (1) is subject to bankruptcy proceedings or a court judgment, or (2) is seized by a law enforcement agency and, upon its forfeiture, disposed of under the Unclaimed or Forfeited Property Law.

- Eliminates the required use of Ohio grapes and fruits by A-2 permit holders.

- Changes provisions that require the disclosure of shareholders of a corporation that is an applicant or a permit holder, and specifies disclosures for limited liability companies that are applicants or permit holders.

- Corrects outdated references to the "Department of Liquor Control" and the "Director of Liquor Control."

- Revises other provisions of the Liquor Control Law.

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CONTENT AND OPERATION

Division of Liquor Control's authority to order liquor permit holders to stop selling intoxicating liquor to certain persons

Current law prohibits a permit holder from selling intoxicating liquor to any individual: (1) who habitually drinks intoxicating liquor to excess, or (2) to whom the Division of Liquor Control, after investigation, has determined to prohibit the sale of intoxicating liquor. The Division's determination must be based on cause shown by the spouse, parent, sibling, or other person dependent on or in charge of the individual or cause shown by the mayor of the municipal corporation or a township trustee of the township in which the individual resides. (Sec. 4301.22(C).) Current law also grants a cause of action to a spouse, child, parent, guardian, employer, or other person who is injured in person, property, or means of support by an intoxicated individual, or in consequence of the habitual or other intoxication of an individual, after the Division issues and during the existence of an order prohibiting the sale of intoxicating liquor to that individual. The cause of action is against any person who sells or gives intoxicating liquors to that individual that cause that individual's intoxication in whole or in part. (Sec.

4399.01.) Also, under certain circumstances, a building or premises owner, lessee, or other renter is jointly or severally liable with the person who sells or gives intoxicating liquors to an individual who is the subject of such a Division order and who causes any of the described injuries (sec. 4399.02).

The bill eliminates these provisions and makes conforming and other technical changes in related statutes (secs. 4301.22(C), 4301.24, 4301.99(B) and (D), 4303.203(D) and (F), 4399.01 (repealed by the bill), 4399.02, 4399.04, 4399.07, 4399.08, and 4399.18(A)(2)).

Sharing of Social Security numbers with other state agencies

The bill authorizes the Division of Liquor Control to provide the Social Security number of an individual that the Division possesses to the Department of Public Safety, the Department of Taxation, the Attorney General's office, or any other state or local law enforcement agency if the department, office, or other law enforcement agency requests the number to conduct an investigation, implement an enforcement action, or collect taxes (sec. 4301.77).

Criminal records checks

The bill authorizes the Department of Commerce, or a division of the Department created by the Revised Code that is acting with authorization on the Department's behalf, to request from the Bureau of Criminal Identification and Investigation (BCII) pursuant to procedures specified in current law, or to coordinate with appropriate federal, state, and local government agencies to accomplish, criminal records checks for persons whose identities must be disclosed by an applicant for the issuance or transfer of a permit, license, or certification issued or transferred by the Department or division (hereafter, covered persons). At or before the time of making a request for a criminal records check, the Department or division may require a covered person to submit to the Department or division valid fingerprint impressions in a format and by any media or means acceptable to the BCII and, when applicable, the Federal Bureau of Investigation (FBI). The Department or division may cause the BCII to conduct a criminal records check through the FBI only: (1) if the person for whom the check would be conducted resides or works outside Ohio or has resided or worked outside Ohio during the preceding five years, or (2) if a criminal records check conducted by the BCII within Ohio indicates that the person may have a criminal record outside Ohio. (Sec. 121.08(J).)

In the case of a criminal records check made pursuant to current law procedures, the Department or division must forward to the BCII the requisite form, fingerprint impressions, and fee. When requested by the Department or division and in accordance with the bill's conditions discussed in items (1) and (2),

above, the BCII must request from the FBI any information it has with respect to the covered person who is the subject of the criminal records check and must forward the requisite fingerprint impressions and information to the FBI for that check. After conducting a criminal records check or receiving the results of such a check from the FBI, the BCII must provide the results to the Department or division. (Secs. 109.572(A)(1), (B), and (C)(1), (2), and (3) and 121.08(J).)

The Department or division may require any covered person about whom a criminal records check is requested to pay to the Department or division the amount necessary to cover the fee charged to it by the BCII, including, when applicable, any fee for a criminal records check conducted by the FBI (secs. 109.572(C)(3) and 121.08(J)).

Change in fees for A-2, B-2, and B-4 permit holders

Current law assesses a fee of $126 on each holder of an A-2 permit (authorizing wine manufacturing) for each plant producing 100 wine barrels, of 50 gallons each, or less annually. This fee is increased at the rate of 10¢ per barrel for all wine manufactured in excess of 100 barrels during the year covered by an A-2 permit. The bill makes the $126 fee a flat fee for each plant for which an A-2 permit is issued and correspondingly eliminates the 100 or less wine barrels of 50 gallons provision as well as the 10¢ per barrel fee increase provision contained in current law. (Sec. 4303.03.)

Current law assesses a fee of $500 on each holder of a B-2 permit (authorizing wholesale wine distribution) for each distributing plant or warehouse. This fee is increased at the rate of 10¢ per wine barrel of 50 gallons for all wine distributed and sold in Ohio in excess of 1,250 barrels during the year covered by a B-2 permit. The bill retains the $500 fee as a flat fee for each distributing plant or warehouse, but eliminates the 10¢ per barrel fee increase provision contained in current law. (Sec. 4303.07.)

Current law assesses an initial fee of $500 on each holder of a B-4 permit (authorizing wholesale mixed beverage distribution) for each distributing plant or warehouse. The law also requires the fee for a B-4 permit to be computed on the basis of annual sales. This fee, thus, is increased at the rate of 10¢ per wine barrel of 50 gallons for all mixed beverages distributed and sold in Ohio in excess of 1,000 barrels during the year covered by a B-4 permit. The bill retains the $500 fee as a flat fee for each distributing plant or warehouse, but eliminates the 10¢ per barrel fee increase provision contained in current law as well as the requirement that the B-4 permit fee be based on annual sales. (Sec. 4303.09.)

Change in qualifications for issuance of D-5a liquor permit

Current law authorizes the Division of Liquor Control to issue a D-5a permit: (1) to the owner or operator of a hotel or motel that must be licensed under the Hotel Law, that has a specified type of restaurant, and that contains at least 50 rooms for registered transient guests, or (2) to the owner or operator of a restaurant that is affiliated with, that is within or contiguous to, and that serves food within such a hotel or motel. The D-5a permit authorizes the sale of beer and intoxicating liquor for consumption on the premises where sold and to registered guests in their rooms and the sale of beer, wine, and mixed beverages for consumption off the premises where sold. (Sec. 4303.181(A).)

The bill also authorizes the D-5a permit to be issued to the owner or operator of a hotel or motel that must be licensed under the Hotel Law, that has a specified type of restaurant, and that is owned by a state institution of higher education or a private college or university (sec. 4303.181(A)). "State institution of higher education" means the University of Akron, Bowling Green State University, Central State University, University of Cincinnati, Cleveland State University, Kent State University, Miami University, Ohio University, Ohio State University, Shawnee State University, University of Toledo, Wright State University, Youngstown State University, Northeastern Ohio Universities College of Medicine, and Medical College of Ohio at Toledo and any community college, state community college, university branch, or technical college (sec. 3345.011, not in the bill).

Change in qualifications for issuance of D-5i liquor permit

The Division of Liquor Control may issue a D-5i permit to the owner or operator of a retail food establishment or a food service operation licensed under the Retail Food Establishment and Food Service Operations Law that operates as a restaurant for purposes of the Liquor Control Law and that meets all of the following requirements: (1) it is located in a municipal corporation or township with a population of 75,000 or less, (2) it has inside capacity for at least 140 persons, (3) it has at least 4,000 square feet of floor area, (4) it offers full-course meals, appetizers, and sandwiches, (5) its receipts from beer and liquor sales do not exceed 25% of its total gross receipts, and (6) the value of its real and personal property exceeds $725,000. The D-5i permit authorizes the sale of beer and intoxicating liquor for consumption on the premises where sold and the sale of beer, wine, and mixed beverages for consumption off the premises where sold. (Sec. 4303.181(I).)

The bill modifies requirement (6), above, by providing, as an alternative to having a property value that exceeds $725,000, that the retail food establishment or a food service operation is located on property that is owned or leased by the

state or a state agency and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit (sec. 4303.181(I)).

Change in sales authority of F-4 permit

Current law authorizes the Division of Liquor Control to issue an F-4 permit to an association or corporation organized not-for-profit in Ohio to conduct an event that includes the introduction, showcasing, or promotion of Ohio wines and meets certain other requirements. The holder of an F-4 permit may furnish, without charge, wine in two-ounce samples for consumption on the premises where furnished that it has obtained from A-2 (wine manufacturer) permit holders that are participating in the event for which the F-4 permit is issued. The bill instead authorizes an F-4 permit holder to furnish, with or without charge, wine under these conditions. (Sec. 4303.204(B).)[1]

Elimination of required deposit for special orders from Division of Liquor Control

Under current law, if any person desires to purchase any variety or brand of spirituous liquor that is not in stock at a state liquor store or agency store, the Division must immediately procure the variety or brand after the purchaser makes a reasonable deposit in proportion to the approximate cost of the order. Unless the purchaser pays for the spirituous liquor and accepts delivery within five days after receiving a notice from the Division that the order has arrived, the Division may place the spirituous liquor in stock for general sale, and the purchaser forfeits the deposit. The bill maintains current law with the exception that it removes the requirement that the purchaser make a deposit to secure the special order. (Sec. 4301.19.)

Payment and refund of liquor permit fees

Application fees and annual permit fees

Existing law. Current law requires that, when an application for the issuance of a liquor permit or a duplicate liquor permit is filed, the applicant must remit to the Division of Liquor Control the requisite annual liquor permit fee established by law. A permit holder must obtain a duplicate permit for each additional fixed counter, beyond two, at which the permit holder makes sales for consumption on the premises; the application for the duplicate permit may be filed

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[1] *The holder of an F-4 permit also may sell wine by the glass for consumption on the premises where sold--the wine having been obtained from the A-2 permit holders participating in the event.*

any time during the life of the associated original liquor permit. (Secs. 4303.24 and 4303.30.)

If a liquor permit is not issued within 120 days from the date of remittance, the Division must return the annual fee to the applicant. If the Division eventually decides to issue the permit, it must notify the applicant or the applicant's agent by certified mail; then, the applicant, within 30 days after the mailing of the notice, must redeposit the annual fee plus any increases that have occurred since the initial remittance of the fee. If the applicant fails to redeposit the annual fee plus any such increases, the applicant's application must be canceled. (Sec. 4303.24.)

The bill. The bill instead requires an applicant to remit an application fee, but not the annual permit fee prescribed by current law, when the applicant applies for the issuance of a liquor permit or a duplicate liquor permit. The Division then must notify the applicant or the applicant's agent by certified mail of its intention to grant the requested liquor permit or duplicate liquor permit. The applicant, within 30 days after the mailing of the notice, must pay the entire amount of the requisite annual permit fee if the liquor permit or duplicate liquor permit is issued during the first six months of the year that it covers or one-half of that requisite fee if the liquor permit or duplicate liquor permit is issued during the last six months of the year that it covers. If the applicant fails to pay the requisite amount within this 30-day period, the Division must cancel the applicant's application. (Secs. 4303.24 and 4303.30.)

Canceled permits

Current law requires that, whenever the Division cancels a liquor permit, it generally must refund to the permit holder, the permit holder's executors, administrators, receivers, or trustees in bankruptcy, or an assignee for the benefit of the permit holder's creditors a proportionate amount of the annual permit fee representing the unexpired portion of the holder's permit year. However, the refund cannot exceed 90% of the fee, and, if the unexpired portion of the permit year is less than 30 days, no refund can be made. The bill eliminates the requirement that the Division refund any portion of the permit fees. (Sec. 4301.41.)

The bill also repeals related provisions that require a municipal corporation or township to refund to the Division 90% of the money that it has received from the Undivided Liquor Permit Fund in the state treasury and that is attributable to the unexpired portion of a liquor permit that is canceled because a local option election has prohibited sales under that permit (secs. 4301.30 and 4301.39(I) and (J)).

Uniform expiration dates

Under current law, when the Superintendent of Liquor Control considers it advisable to cancel the unexpired portion of a permit in order that the permit may be issued on a uniform expiration date that the Superintendent designates, the Division may credit or refund the unexpired portion of permit fees outstanding or collect any additional amounts due resulting from the new uniform expiration date. The bill instead authorizes the Division to grant only a credit in this situation. (Secs. 4301.41 and 4303.27.)

Changes in consent-to-import, coil cleaner, and representative registration fees

Consents-to-import

Current law imposes an initial $100 application fee and an annual $100 out-of-state consent-to-import fee on any manufacturer or out-of-state supplier that produced or shipped into Ohio in the immediately preceding calendar year a total of 500 or fewer cases of 750-milliliter equivalent of intoxicating liquor and 12-ounce equivalent of beer (sec. 4301.10(A)(8)(e)). Current law further levies an initial $100 application fee and an annual $300 out-of-state supplier consent-to-import fee on any manufacturer or out-of-state supplier not covered by the latter provision (sec. 4301.10(A)(8)(c)). The Division of Liquor Control is required to collect these fees (sec. 4301.10(A)).

The bill replaces the provisions described above with one that imposes, and requires the Division to instead collect, an initial $100 application fee and an annual $300 supplier registration fee on any manufacturer or out-of-state supplier that produces and ships into Ohio, or that ships into Ohio, beer or intoxicating liquor (sec. 4301.10(A)(8)(c) and (e)). The bill correspondingly eliminates numerous statutory references to "consents to import," replacing them with "supplier registration" (secs. 1333.83, 4301.10(A)(8), 4301.20(L), 4301.24, and 4303.231).

Coil cleaners

The bill repeals the annual $25 registration fee for coil cleaners of beer-dispensing equipment doing business in Ohio that the Division is required to collect (sec. 4301.10(A)(8)).

Representatives

Current law imposes an annual $25 registration fee on each (sales) representative registered under the Liquor Permit Law to represent a manufacturer of beer or intoxicating liquor doing business in Ohio. The Division again is required to collect that fee. (Secs. 4301.10(A)(8)(a) and 4303.25.)

The bill instead levies a biennial $50 registration fee on each agent, solicitor, or salesperson registered under the Liquor Permit Law to represent a manufacturer, supplier, broker, or wholesale distributor of beer or intoxicating liquor doing business in Ohio (secs. 4301.10(A)(8)(a) and 4303.25).

Registration periods

The bill specifies that: (1) each agent, solicitor, or salesperson registration described above is valid for two years or for the unexpired portion of a two-year registration period, and (2) each supplier registration described above is valid for one year or for the unexpired portion of a one-year registration period (sec. 4301.10(A)(8)).

Disposition of beer, intoxicating liquor, and other alcohol seized by law enforcement agency or subject to bankruptcy proceedings or court judgment

Criminal Code provisions

Current law provides for the disposition of unclaimed or forfeited property in a law enforcement agency's custody, upon application to and the order of a court with competent jurisdiction, in specified manners.[2] This Unclaimed or Forfeited Property (UFP) Law specifically provides that beer, intoxicating liquor, or alcohol that is seized from a person who has not been issued a liquor permit or who is an offender and that is forfeited to the state under the Liquor Control Law either must be sold by the Division of Liquor Control if the Division determines it is fit for sale or must be placed in the custody of the Investigative Unit of the Department of Public Safety and used for training relating to law enforcement activities.[3] The Department, with the Division's assistance, must adopt rules under

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[2] *The Unclaimed or Forfeited Property Law generally does not apply to forfeited or seized property under the Trademark Counterfeiting Law, the Contraband Forfeiture Law, the Criminal Gang Activity Law, the Drug Offenses Forfeiture Law, or the Corrupt Activity Forfeiture Law (sec. 2933.41(D)). However, those laws occasionally require, by cross-reference, that certain forfeited or seized property be disposed of in accordance with the Unclaimed or Forfeited Property Law (secs. 2923.46(B)(6)--beer, intoxicating liquor, and alcohol forfeited under the Criminal Gang Activity Law; 2925.44(B)(7)--beer, intoxicating liquor, and alcohol forfeited under the Drug Offenses Forfeiture Law; and 2933.43(D)(1)--contraband forfeited under the Contraband Forfeiture Law, including beer, intoxicating liquor, and alcohol.) The bill's described change, then, to the Unclaimed or Forfeited Property Law also will apply to beer, intoxicating liquor, and alcohol forfeited under other criminal laws.*

[3] *The Liquor Control Law contains two statutes under which beer, intoxicating liquor, or alcohol being illegally transported or illegally manufactured, possessed, sold, furnished,*

the Administrative Procedure Act to provide for the distribution of the beer, intoxicating liquor, or alcohol to state or local law enforcement agencies upon their request (apparently for use for such training). If there instead is a sale, the sale proceeds first must be used to pay any unpaid tax on the beer, intoxicating liquor, or alcohol, and all other money collected from the sale must be paid into the state treasury. Beer, intoxicating liquor, or alcohol that the Division determines is unfit for sale must be destroyed.[4] (Sec. 2933.41(D)(4).)

The bill replaces the UFP Law provisions described above with the following. Beer or intoxicating liquor seized by a law enforcement agency generally must be destroyed. But intoxicating liquor seized by the Investigative Unit of the Department of Public Safety may be distributed for training relating to law enforcement activities. Pursuant to rules that the Department adopts under the Administrative Procedure Act, the Department must provide for the distribution of seized intoxicating liquor that is not distributed for training relating to its law enforcement activities to state or local law enforcement agencies, upon their request, for training related to their law enforcement activities. (Sec. 2931.41(D)(4).)

Liquor Control Law provisions

The current Liquor Control Law provides that, in the case of any seizure of beer, intoxicating liquor, or alcohol: (1) under execution of any judgment against a liquor permit holder, (2) in relation to the foreclosure of any lien on beer, intoxicating liquor, or alcohol belonging to a liquor permit holder, (3) in relation to the bankruptcy or insolvency of a liquor permit holder, or (4) in relation to any other use of judicial process to subject beer, intoxicating liquor, or alcohol belonging to or in the possession of a liquor permit holder to any claim, the officer seizing the beer, intoxicating liquor, or alcohol from the judgment debtor, bankruptcy or insolvency party, or person for whom the officer has been appointed as receiver must deliver it to the Division of Liquor Control or the Department of Public Safety. The Division or Department then must sell the beer, intoxicating

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etc. may be seized, forfeited to the state, and either disposed of under the UFP Law or destroyed (secs. 4301.45 and 4301.53, not in the bill).

[4] *The current Liquor Control Law somewhat inconsistently provides that, if the Department of Public Safety seizes beer, intoxicating liquor, or alcohol under the Liquor Control Law and the Liquor Permits Law, the Department must destroy it unless it is determined to be fit for sale (who makes the determination is unclear). In the latter situation, the beer, intoxicating liquor, or alcohol must be transferred to the Division of Liquor Control for disposition under the UFP Law. The bill modifies these provisions to require the Department to destroy or distribute beer or intoxicating liquor in accordance with the UFP Law, as revised by the bill, whenever it seizes it. (Sec. 4301.29(A).)*

liquor, or alcohol and pay the proceeds of the sale to the officer, to be disposed of by the officer according to law and the orders of the court issuing the process. (Sec. 4301.29.)

The bill provides that in the situations described immediately above relating to the seizure of beer or intoxicating liquor, but not alcohol, the person seizing the beer or intoxicating liquor, or the person's designee, may sell it after obtaining the written consent of the Division. The beer or intoxicating liquor cannot, however, be sold to or be purchased by a liquor permit holder, an applicant for a liquor permit, or any other business. Proceeds from the sale of the beer or intoxicating liquor must be paid in accordance with the applicable law and the orders of the court issuing the process. (Sec. 4301.29(B).)

Elimination of required use of Ohio grapes and fruits by A-2 permit holders

The holder of an A-2 permit currently must manufacture wine from grapes or other fruits grown in Ohio if they are obtainable in Ohio. If the grapes or other fruits are not so obtainable, the permit holder may import them from other states, but only after the permit holder submits an affidavit of nonavailability to the Division of Liquor Control. The bill repeals these provisions. (Sec. 4303.03.)

Change in required disclosures of applicants and permit holders

Application process

Under current law, if an applicant for a liquor permit is a corporation, the applicant must list on the application, among other items, the names of each officer of the corporation and of each person owning or controlling 10% or more of the corporation. The bill instead requires that if the applicant is a corporation or limited liability company, the applicant must list on the application whichever of the following apply: (1) the names of each officer of the corporation, (2) the names of each officer of the limited liability company, if it has officers, and the names of the managing members of the company or its managers if the management of the company is not reserved to its members, (3) the names of each person owning or controlling 5% or more of the capital stock of the corporation rather than 10% or more of the corporation, and (4) the names of each person owning or controlling 5% or more of either the voting interests or membership interests in the limited liability company. (Sec. 4303.293(A).)

Ownership changes

Current law requires that, whenever the person to whom a permit has been issued is a corporation and any transfer of the corporation's stock is proposed that would change the owner of the majority of the shares of stock in the corporation,

the proposed transfer must be considered a proposed transfer of ownership of the permit. The permit holder then must apply to the Division of Liquor Control for a transfer of ownership of the permit. The bill instead requires that, whenever the person to whom a permit has been issued is a corporation or limited liability company and any transfer of the corporation's stock or the limited liability company's membership interests is proposed that would change: (1) the owner of the majority or plurality of the shares of stock in the corporation, or (2) the owner of the majority or plurality of the limited liability company's membership interests, the proposed transfer of stock or membership interests must be considered a proposed transfer of ownership of the permit, causing its holder to apply to the Division for transfer of its ownership. (Sec. 4303.293(A).)

Division permit-related refusal authority

Current law authorizes the Division to refuse to issue, transfer the ownership of, or renew, and requires the Division to refuse to transfer the location of, any retail permit if it finds, among other grounds, that any shareholder owning 10% or more of the applicant's capital stock: (1) has been convicted at any time of a crime that relates to fitness to operate a liquor establishment, (2) has operated liquor permit businesses in a manner that demonstrates a disregard for the laws, regulations, or local ordinances of Ohio or any other state, (3) has misrepresented a material fact in applying to the Division for a permit, or (4) is in the habit of using alcoholic beverages or dangerous drugs to excess or is addicted to the use of narcotics (sec. 4303.292(A)(1)).

The bill instead authorizes the Division to refuse to issue, transfer the ownership of, or renew, and requires the Division to refuse to transfer the location of, any retail permit if it finds that either of the following falls into any of the categories described in items (1) to (4), above: (a) any shareholder of a corporation who owns 5% or more of the applicant's capital stock, or (b) any member of a limited liability company who owns 5% or more of either the applicant's voting interests or membership interests (sec. 4303.292(A)(1)).

Duty to report certain alleged food stamp-related violations

The bill transfers from the Department of Job and Family Services to the Department of Public Safety the duty to report to the Division whenever criminal proceedings have commenced against a retail permit holder for certain violations of law relating to food stamp coupons or Women, Infants, and Children (WIC) program benefits. Current law requires the Division to refuse to transfer the ownership or location of a retail permit while such criminal proceedings are pending against the permit holder. (Sec. 4303.292(E).)

Conflicts of interest by employees of Liquor Control Commission and Division of Liquor Control

Current law prohibits the Superintendent of Liquor Control, any member of the Liquor Control Commission, or any appointee or employee of the Commission or the Division of Liquor Control from having any direct or indirect financial interest in the manufacture, distribution, or sale of beer or intoxicating liquor. The bill instead prohibits the Superintendent, any Commission member, or any Commission or Division employee from having any direct financial interest in, or any interest otherwise prohibited by the Ohio Ethics Law or related Criminal Code statutes in, the manufacture, distribution, or sale of beer or intoxicating liquor. (Sec. 4301.07.)[5]

Correction of outdated references

The bill changes several outdated references from the "Department of Liquor Control" to the "Division of Liquor Control" and from the "Director of Liquor Control" to the "Superintendent of Liquor Control" (secs. 307.697(D), 351.26(B), 924.51(A), 4301.07, 4301.424(A), and 4303.271(B)). The Department of Liquor Control was abolished and became a division within the Department of Commerce on July 1, 1997, and on that date the office of Director of Liquor Control became the office of Superintendent of Liquor Control.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-16-03	pp. 1134-1135
Reported, H. State Gov't	01-21-04	pp. 1501-1502
Passed House (93-1)	01-27-04	pp. 1558-1559

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[5] *The Criminal Code statutes relate to the offenses of having an unlawful interest in a public contract (sec. 2921.42, not in the bill) and soliciting improper compensation (sec. 2921.43, not in the bill).*