

*****DRAFT - NOT FOR FILING*****

4301-9-01 Wholesale purchases of beer, wine, and mixed beverages: Requirements and prohibitions.

- (A) For purposes of this rule, "Electronic Funds Transfer" or "EFT" means a transfer of funds initiated through an electronic device for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.
- (B) In accordance with section 4301.24 of the Revised Code, which prohibits the purchase of beer, wine, or mixed beverages at wholesale on credit, purchases of beer, wine, or mixed beverages at wholesale may be paid for by cash, check, debit card, credit card, money order, or electronic funds transfer.
- (C) Electronic funds transfers are permissible under the following conditions:
- (1) Any agreement to engage in EFT for the payment of beer, wine, or mixed beverages between manufacturers, wholesale distributors, or retail permit holders must be voluntary and must be in writing. No manufacturer, wholesale distributor, or retail permit holder may refuse to do business with or otherwise limit business with another manufacturer, wholesale distributor, or retail permit holder for declining to engage in EFT as payment for beer, wine, or mixed beverages.
 - (2) In a transaction where EFT is to be the form of payment, such fact shall be noted on the invoice at the time of delivery, acknowledged in writing by the purchaser or their agent, and shall constitute an irrevocable promise to pay. All parties to EFT transactions will maintain records of the transactions for two years from the date of the transactions, and make the records available for inspection by the division, upon request.
 - (3) Initiation of the electronic transfer of funds must occur on or before the next available business day after the delivery of the product.
 - (4) Any EFT transaction that is not completed due to insufficient funds is subject to the provisions of paragraph (I) of rule 4301:1-1-43 of the Administrative Code.
 - (5) Each party engaging in EFT must pay their own costs associated with EFT.
 - (6) No manufacturer, wholesale distributor, or retail permit holder may require the party with whom they are engaging in EFT to use software or hardware that are specific to either party.