

Ohio Department of Commerce, Division of Liquor Control

BASE INVENTORY OF REGULATORY RESTRICTIONS

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RULE NUMBER	REGULATORY RESTRICTION	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
4301-1-01(A)	Shall	As used in this chapter and Chapters 4301-2, 4301-3, 4301-5, and 4301-9 of the Administrative Code, all words and	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-1-02(A)	Shall	A permit holder who desires an expansion or diminution of its permit premises shall file its request with the division, in writing, and submit a sketch indicating the proposed change.	4301.10(C)	No, general rulemaking authority	No, general rulemaking authority
4301-1-02(A)	Must	Any request for expansion or diminution must be submitted by the permit holder, a member of a partnership, a managing member of a limited liability company, a person owning or controlling five per cent or more of the outstanding shares of a corporation, a person owning or controlling five per cent or more of either the voting interests or membership interests in a limited liability company, or any officer of the permit holder, who is approved by and on file with the division.	4301.10(C)	No, general rulemaking authority	No, general rulemaking authority
4301-1-02(A)(1)	Shall not	Notwithstanding the provisions of section 4303.27 of the Revised Code, temporary expansions or diminutions of permit premises shall not be approved.	4301.10(C)	No, general rulemaking authority	No, general rulemaking authority
4301-1-02(A)(2)	Require	Notification of the police or legislative authority is not required for the division to process, approve, or deny an expansion or diminution request.	4301.10(C)	No, general rulemaking authority	No, general rulemaking authority
4301-1-02(B)	Must	An expansion of permit premises must include a premises adjacent to the original premises for which the permit was issued	4301.10(C)	No, general rulemaking authority	No, general rulemaking authority
4301-1-02(B)	Must	The adjacent premises must be under the permit holder's control and ownership in fee, leasehold, or mortgage, and be located in an area where sales under the permit are not prohibited because of local option election, or operation of rule or law.	4301.10(C)	No, general rulemaking authority	No, general rulemaking authority
4301-1-02(C)	Shall	The division shall approve or deny the requested change within twenty working days of inspection or receipt of the request, whichever is later.	4301.10(C)	No, general rulemaking authority	No, general rulemaking authority

4301-2-01(A)(1)	Shall	Any individual acting as such an agent, solicitor, trade marketing professional, or salesperson shall be required to register with the division every two years upon the anniversary of the individual's date of registration .	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(A)(1)	Shall	The individual shall submit a registration form provided by the division for that purpose.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(A)(1)	Shall	Registered solicitors shall, from time to time, furnish additional information as the division may desire.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(A)(1)	Must	The registration form must be accompanied by a letter from the manufacturer, supplier, wholesale distributor, or broker of the product stating that the individual desiring to be registered is in its employ, and setting out the nature of the individual's duties in the state of Ohio.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(A)(2)	Shall	If the division refuses to issue credentials, it shall notify the applicant, in writing and within thirty days not including Saturdays, Sundays, or holidays of receipt of the registration form as to the grounds for refusal.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(A)(4)	Shall	Upon termination of employment of a registered solicitor, the employer shall notify the division in writing and within fifteen days of the termination.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(A)(4)	Must	The registered solicitor must immediately return the credentials and any samples in the solicitor's possession to the employer, who shall forward the credentials to the division within fifteen days of the termination.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(A)(6)	May not	Registered solicitors may only solicit orders on behalf of the employer identified on their credentials.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(1)	Shall	Any individual acting as such an agent, solicitor, trade marketing professional, or salesperson shall be registered by their employer every two years upon the anniversary of the individual's date of registration.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(1)	Shall	The individual shall submit a registration form provided by the division for that purpose.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(1)	Shall	Registered solicitors shall, from time to time, furnish additional information as the division may desire.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(2)	Shall	If the division refuses to issue credentials, it shall notify the applicant, in writing and within thirty days not including Saturdays, Sundays, or holidays of receipt of the registration form as to the grounds for refusal.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(3)	Shall	The division shall record receipt of samples.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(3)	May not	Only the registered solicitor named on the application and consented to by the division may withdraw samples.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(3)	Shall	The registered solicitor shall acknowledge receipt of any sample.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(4)	Shall	Upon termination of employment of a registered solicitor, the employer shall notify the division in writing and within fifteen days of the termination.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-2-01(B)(4)	Must	The registered solicitor must immediately return the credentials to the employer, who shall forward the credentials to the division within fifteen days of the termination.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority

4301-2-01(B)(6)	May not	Registered solicitors may only solicit orders on behalf of the employer identified on their credentials.	4301.021, 4303.25	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(A)	Shall not	No permit holder authorized to sell spirituous liquor within the state shall either directly or indirectly, personally or through any agent, employee, or other person, purchase spirituous liquor for resale from other than a state liquor store or state liquor agency at wholesale, except pursuant to express written consent of the division.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(B)	Shall not	Any person authorized to purchase spirituous liquor at wholesale at a state liquor store or state liquor agency may designate any individual of lawful age to act as their agent in making such purchase, provided that the agent shall have no connection with a manufacturer or registered solicitor of spirituous liquor.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(B)	Shall	The agent shall have the authority to fill out and sign the prescribed form or purchase order for the spirituous liquor for and on behalf of the purchaser and receive the spirituous liquor specified in the form or purchase order.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(B)	Shall	The agent shall be subject to the provisions of section 4301.69 of the Revised Code of Ohio.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(C)	Must	Permit holders must purchase spirituous liquor from the division, or a person authorized to sell spirituous liquor to permit holders pursuant to express written consent of the division, and make payment by cash, certified check, check, money order, or electronic funds transfer (EFT), as that term is defined in paragraph (A) of rule 4301-9-01 or the Administrative Code.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(C)	Must	Permit holders must purchase spirituous liquor from the division, or a person authorized to sell spirituous liquor to permit holders pursuant to express written consent of the division, and make payment by cash, certified check, check, money order, or electronic funds transfer (EFT), as that term is defined in paragraph (A) of rule 4301-9-01 or the Administrative Code.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority

4301-3-01(D)(1)	Shall	The base retail selling price per case of spirituous liquor shall be computed as follows: The division shall add to the manufacturer's or supplier's quoted total invoice cost per case, which is delivered to and available for purchase at a bailment warehouse, a trucking charge per case. The trucking charge per case is charged by the carrier under contract with the division to transport these goods to state liquor stores or state liquor agencies. The division will then increase that figure by a percentage factor that represents the division's total operating costs as a per cent of the division's gross liquor sales dollars. The division shall divide this resulting figure by 0.7 to represent a retail accounting method markup of 30.0 per cent. To the new resulting figure, the division shall add a sum based on bottle size and state liquor gallonage tax as required by section 4301.12 of the Revised Code. The division will increase the resulting figure by a 5.0 percent surcharge to arrive at the base retail selling price per case.	4301.021, 4301.19		
4301-3-01(D)(2)	Shall	The base retail selling price per bottle of spirituous liquor shall be computed as follows: The division shall divide the base retail selling price per case by the number of bottles per case. The division will then round that figure upward to the next higher whole cent. The resulting figure will be the base retail selling price per bottle.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(D)(3)	Shall	The retail selling price of spirituous liquor shall be computed as follows: The division shall add state and local sales and excise taxes to the base retail selling price . The resulting figure will be the retail selling price.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(E)	Shall not	The division shall not purchase any spirituous liquor from any manufacturer, supplier, broker, or registered solicitor, or from any other person, firm, or corporation for sale or distribution through the state liquor stores or state liquor agencies unless the spirituous liquor is in conformity with the standards of ingredients and methods of manufacture, capacity, and form of packages as set forth by the rules, regulations, and laws of the state of Ohio and the United States.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(E)	Shall	To further insure conformity with such standards as to ingredients, methods of manufacture, capacity, and form of packages, each manufacturer, supplier, broker, or registered solicitor, or any other person, firm, or corporation proposing to sell any such items to the division shall submit, without cost a federal certificate of label approval.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(E)(2)	Shall	Manufacturers, suppliers, brokers, or registered solicitors of spirituous liquor shall notify the division and provide, without cost to the division, a new federal certificate of label approval whenever they change the formula of a product available for sale in Ohio.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority

4301-3-01(F)	Shall	Inspection of shipment. All shipments of spirituous liquor consigned to the division shall be inspected by the division within thirty days after said shipments are delivered to the state liquor stores or state liquor agencies.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(F)	Shall	The division shall notify the manufacturer, supplier, broker, or registered solicitor of breakage or shortage not later than sixty days after delivery of such merchandise to the state liquor store or state liquor agency.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-3-01(G)	Must	Such sale must be made at the current wholesale price and with the prior written consent and approval of the superintendent.	4301.021, 4301.19	No, general rulemaking authority	No, general rulemaking authority
4301-5-01(A)	Shall	The division shall make the determination to open a new state liquor store or state liquor agency based upon, but not limited to, the following factors: new areas of growth in the state: a request to review an area of the state for a potential new state liquor store or state liquor agency submitted by a member of the public; the proximity of the proposed area to existing state liquor stores or state liquor agencies; the sales volume of existing state liquor stores or state liquor agencies; and the potential effect on other existing state liquor stores or state liquor agencies.	4301.021, 4301.101, 4301.17	No, general rulemaking authority	No, general rulemaking authority
4301-5-01(B)	Shall	When the division determines that it would be beneficial to open a state liquor agency in a particular area of the state, it will advertise in the newspaper with the greatest circulation for that area of the state for a minimum of three days for a daily newspaper, or one day in a weekly paper, for applicants interested in becoming a state liquor agent. The advertisement shall include the minimum requirements for: square footage in the sales and storage areas, lineal shelving requirements, and sales and computer equipment.	4301.021, 4301.101, 4301.17	No, general rulemaking authority	No, general rulemaking authority
4301-5-01(C)	Shall	The division shall evaluate state liquor agency applicants on a points system.	4301.021, 4301.101, 4301.17	No, general rulemaking authority	No, general rulemaking authority
4301-5-01(D)	Shall	The superintendent of the division shall determine which applicant shall be awarded the state liquor agency contract.	4301.021, 4301.101, 4301.17	No, general rulemaking authority	No, general rulemaking authority
4301-7-01(B)	Shall	Pursuant to sections 119.03 and 119.037 of the Revised Code, public notice of the rule hearing shall be published in the register of Ohio on the internet at http://www.registerofohio.state.oh.us .	119.03	No, general rulemaking authority	No, general rulemaking authority
4301-7-01(C)	Shall	The superintendent of the division shall give additional notice of such public hearing as he or she deems necessary.	119.03	No, general rulemaking authority	No, general rulemaking authority
4301-7-01(C)	Shall not	The giving of such additional notice shall not be mandatory, and failure to give notice by any means other than as specified in paragraph (B) of this rule shall not in any way invalidate any action that may be taken by the superintendent.	119.03	No, general rulemaking authority	No, general rulemaking authority
4301-9-01(C)(1)	Must	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.	4301.021	No, general rulemaking authority	No, general rulemaking authority

















