

The Liquor Control Commission Guide to Rule-Making and Public Participation

State of Ohio Liquor Control Commission

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The mission of the Liquor Control Commission is to ensure compliance with the liquor laws and regulations of the state of Ohio and to provide fair and impartial hearings for the protection of the public and liquor permit holders.

The Commission is a neutral and independent agency authorized by the Ohio Revised Code ("ORC") Chapter 4301 to hear cases concerning violations of liquor laws, and appeals from the actions or orders of the Division of Liquor Control.

Furthermore, the Commission issues rules, standards, requirements and orders regarding liquor production, sales restrictions, minimum sale prices, liquor advertising and other matters related to the manufacture, distribution and sale of beer, wine and spirituous liquor and other requirements established to carry out Chapters 4301 and 4303 of the ORC.

The Commission will review each of its rules at least every five years to determine whether to continue without change, amend, or rescind each rule in accordance with ORC §119.032. The Commission publishes its five-year rule review schedule on its website at www.lcc.ohio.gov.

Approximately six months prior to the scheduled review date of a rule, the Commission shall review the rule to determine whether:

- **The rule should be continued without amendment, be amended, or be rescinded taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;**
- **The rule needs to be amended or rescinded to eliminate unnecessary paperwork;**
- **The rule duplicates, overlaps, or conflicts with other statutes or rules;**
- **At any point in the six months prior to a rule review date as well as during the public hearing, the Commission will accept input from interested parties. All input must be made in writing and must comply with OAC 4301:1-1-66.**

In reviewing each of its rules the Commission will consider the continued need for the rule, any input from interested parties, the nature of any comments received concerning the rule, and any relevant factors that may have changed in the subject matter affected by the rule. On or before the designated review date, the Commission will file the fully reviewed rule with the Joint Committee on Agency Rule Review ("JCARR"), the Legislative Service Commission ("LSC") and the Secretary of State ("SoS"). Public notice of any amendment or rescission of a reviewed rule and hearing scheduled for such purpose will be in accordance with ORC §119.032.

Liquor Control Rule Process /Timeline

Approximately 6 months prior to a rule(s) review date the Commission mails out letters to interested parties requesting input on rule(s). All requests for changes to rule(s) must be made in writing and comply with **OAC 4301:1-1-66**. The Commission also posts this same letter on its website. An "interested party" is anyone who contacts the Commission and requests to be on the mailing list. One does not need to be an "interested party" to submit written comments and/or testimony on a rule.

Once comments are received and approximately 2 months prior to the review date, the Commission reviews all input and makes a decision as to rule changes requested so far. The Commission then prepares a **Public Notice of Intent to Adopt, Amend or Rescind Rule(s)** and the original rule filing is made with JCARR, LSC, SoS and other agencies as required or indicated. The original rule filing must include the proposed language and required supporting information (rule summary and fiscal analysis).

The Public Notice of Intent to Adopt, Amend or Rescind Rule(s) is filed through the Electronic Rules Filing website and posted to the **Register of Ohio** website, as well as the Commission's website. The filing includes the proposed language; required supporting information; and, the time, location and date for the public hearing.

Liquor Control Commission Public Rules Hearing is Held

The public rules hearing is scheduled no sooner than 31 days nor later than 40 days after the formal **Public Notice of Intent to Adopt, Amend or Rescind Rule(s)** is filed. Public testimony is accepted and made a part of the record of the hearing. After the public hearing is concluded, the Commission reviews the testimony and makes a decision as to any additional rule change recommendations. At this point, the Commission may re-file certain rules with changes suggested at the public hearing.

JCARR Hearing is Held

The JCARR hearing is scheduled no sooner than 41 days after the formal **Public Notice of Intent to Adopt, Amend or Rescind Rule(s)** is filed. JCARR reviews rule(s) according to certain criteria and may recommend that the Ohio General Assembly invalidate a rule(s).

After JCARR hearing is held and assuming no problems with proposed rule(s), the Commission will direct staff to final file and to set an effective date for the rules (at least ten days after the final filing date). The Commission may also decide to withdraw or to re-file the rule(s).

Copies of proposed or recently enacted rules can be found on-line at <http://www.registerofohio.state.oh.us/> or by contacting the Liquor Control Commission.