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# OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research  
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Office

**H.B. 504\***  
**135<sup>th</sup> General Assembly**

## Occupational Regulation Report

[Click here for H.B. 504's Bill Analysis / Fiscal Note](#)

**Primary Sponsor:** Rep. Pavliga

**Impacted Professions:** Liquor permit holder employees

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LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.<sup>1</sup>

## LEAST RESTRICTIVE REGULATION COMPARISON

### Ohio's general regulatory policy

The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."<sup>2</sup>

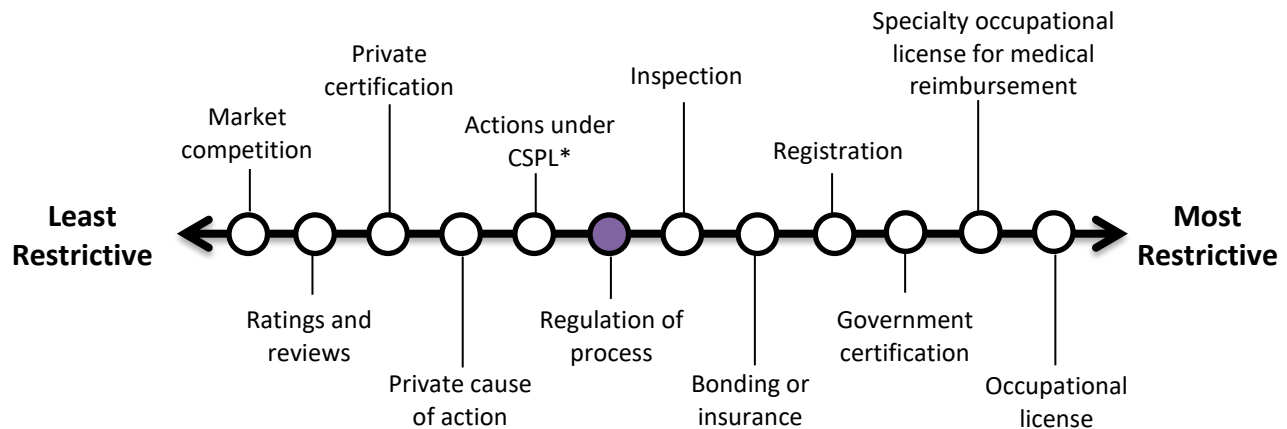
The degree of "restrictiveness" of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state's policy by least to most restrictive:

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\* This report addresses the "As Introduced" version of H.B. 504. It does not account for changes that may have been adopted after the bill's introduction.

<sup>1</sup> R.C. 103.26, not in the bill.

<sup>2</sup> R.C. 4798.01 and 4798.02, neither in the bill.



\*CSPL – The Consumer Sales Practices Law

H.B. 504 does both of the following:

- Requires a liquor permit holder and the permit holder’s employees to complete an alcohol-related training program approved by the Superintendent of Liquor Control;<sup>3</sup>
- Provides immunity from civil liability in specified circumstances to those who successfully complete the training and properly implement related protocols.<sup>4</sup>

## Necessity of regulations

Representative Gail Pavliga, the bill’s primary sponsor, testified that the bill is named Hayden’s Law<sup>5</sup> after Hayden Kaiser, a 25-year-old high school soccer coach who died in a car accident in 2021 after being served \$170 worth of alcohol at a bar. She stated that the bill hopefully will save lives by informing bar owners, bartenders, and servers about ways to prevent and handle delicate situations involving dangerous quantities of alcohol.

Representative Pavliga said that the bill will help to educate alcohol servers by requiring the Superintendent to create and administer a training program for alcohol permit holders and their employees. She explained that the training will include instruction about preventing alcohol service to people under the legal age of 21, recognizing when to decrease or stop alcohol service to a customer exhibiting signs of excessive intoxication, and understanding Ohio laws governing the sale of alcohol. She also explained that the training will teach conflict management skills that are helpful in dealing with situations that may arise due to alcohol consumption. She asserted that, by leaving the specifics of the training program to the Superintendent, the bill ensures that experts in the subject are allowed to confer their knowledge and expertise on the people actually serving alcoholic beverages.

<sup>3</sup> R.C. 4399.19.

<sup>4</sup> R.C. 4399.18.

<sup>5</sup> Section 3.

Representative Pavliga also noted that, so long as the employees and owner of an establishment have followed the teachings of the training program, the bill protects them from being civilly liable for related situations that arise. She testified that coupling the training requirements with this protection for businesses from lawsuits is in the best interests of all parties, including not only customers but also the businesses and the Superintendent.<sup>6</sup>

## **Restrictiveness of regulations**

### **Process regulation**

The state's policy does not provide specific guidance as to when a regulation of process is the best means of protecting the health, safety, and welfare of consumers. However, the policy as a whole suggests that regulations of process are the most preferred method of regulation when market competition, ratings and reviews, private certifications, private causes of action, and actions under the state's Consumer Sales Practices Law do not provide sufficient protection.<sup>7</sup>

Whether these mechanisms are a sufficient means of protecting consumers is a policy decision. However, continuing Ohio law establishes numerous process regulations that govern the sale of alcoholic beverages. For example, sellers of beer or intoxicating liquor for on-premises consumption generally are prohibited from giving away food or requiring the purchase of food in connection with the sale of the beer or liquor.<sup>8</sup> Different provisions apply when a liquor permit holder sells "to go" alcoholic drinks for off-premises consumption. In that case, the permittee must sell a meal with the drink. In addition, these drinks are limited to three per meal, and they must be sold in sealed, closed containers. If the drink is a mixed beverage, it must not contain an amount of alcohol that exceeds the amount contained in a standard mixed beverage that the permittee sells for on-premises consumption.<sup>9</sup>

### **Alcohol-related training**

The bill increases restrictiveness for liquor permit holders and their employees (including employees who do not sell or serve alcohol, such as cooks and dishwashers) by requiring them to complete an alcohol-related training program. The training program must be approved by the Superintendent and must include specified topics related to serving alcohol (see the [LSC bill analysis \(PDF\)](#) for the training program topics). The Superintendent must establish the number of hours required to complete the training and a method for determining if a liquor permit holder or the permit holder's employee successfully completed it.<sup>10</sup>

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<sup>6</sup> See [Representative Gail Pavliga HB 504 Sponsor Testimony \(PDF\)](#) (House Civil Justice Committee, May 14, 2024), which is available on the General Assembly's website, [legislature.ohio.gov](http://legislature.ohio.gov), by searching for "HB 504" and looking under the "Committee Activity" tab.

<sup>7</sup> R.C. 4798.01, not in the bill.

<sup>8</sup> R.C. 4301.21(C), not in the bill.

<sup>9</sup> R.C. 4303.185(B), not in the bill.

<sup>10</sup> R.C. 4399.19.

## Other regulatory policies

The bill specifies that, if certain conditions are met, a liquor permit holder or employee is not liable in a lawsuit for personal injury, death, or property damage resulting from the actions of an intoxicated person to whom the permit holder or employee sold alcohol. This immunity from civil liability applies only when both of the following conditions are met:

- The permit holder and all of the permit holder's employees have successfully completed the alcohol-related training required under the bill;
- The permit holder and any of the permit holder's employees followed all protocols specified in the training program with respect to the intoxicated person.<sup>11</sup>

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## IMPACT STATEMENT

### Opportunities for employment

The bill's provisions are not anticipated to have a significant effect on opportunities for employment, as much of the required content for the mandatory trainings may already be incorporated into existing employee orientation procedures. But the final outcome is dependent on specific rules to be established by the Superintendent of Liquor Control regarding the number of hours required to complete the training and a method for determining if the liquor permit holder and employees have successfully completed the program.

### Consumer choice and market competition

Consumer choice and market competition will likely be unaffected by the bill.

### Cost to government

For the costs to government, please see the [LBO fiscal note \(PDF\)](#), which states that the bill's costs are dependent on procedures subsequently adopted by the Department of Commerce's Division of Liquor Control.

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<sup>11</sup> R.C. 4399.18(C).

## COMPARISON TO OTHER STATES

All of the states surrounding Ohio require alcohol server training. The categories of persons required to complete the training vary by state, as do the training topics and the consequences for noncompliance. However, all of the surrounding states generally place responsibility for ensuring that the training is completed, as well as the consequences for noncompliance, on the holders of a liquor permit or license.

Unlike the bill, it does not appear that any of the surrounding states confer immunity from civil liability for completing alcohol server training.

The table below discusses these provisions in more detail.

Alcohol Server Training			
State	Mandatory Training?	If so, for Whom?	Consequences for Noncompliance
Ohio (under the bill)	Yes Requires a liquor permit holder and the permit holder's employees to complete specified training approved by the Superintendent of Liquor Control <i>(R.C. 4399.19)</i>	A liquor permit holder and the permit holder's employees (including those who do not sell or serve alcohol) <i>(R.C. 4399.19(A))</i>	Lack of immunity from civil liability that the bill establishes for those who complete the training and who otherwise qualify for the immunity <i>(R.C. 4399.18(C))</i>
Indiana	Yes Requires specified persons to obtain alcohol server training Requires a retailer or dealer permittee that operates an establishment where alcoholic beverages are sold to do both of the following: <ul style="list-style-type: none"> <li>▪ Ensure that each alcohol server completes specified training not later</li> </ul>	A retailer or dealer permittee or the permittee's management representative; A person who works on a retailer permittee's licensed premises as a manager, bartender, waiter, or waitress; A person who works on a dealer permittee's licensed premises as a manager or sales clerk	Suspension or revocation of the retailer or dealer permit or payment (by the permittee) of a fine <i>(Ind. Code 7.1-3-1.5-13(d))</i> Potentially becoming the subject of an injunction to stop the noncompliance from continuing (A person who violates the injunction must be punished for contempt of court.) <i>(Ind. Code 7.1-3-1.5-11)</i>

Alcohol Server Training			
State	Mandatory Training?	If so, for Whom?	Consequences for Noncompliance
	<p>than 120 days after beginning employment;</p> <ul style="list-style-type: none"> <li>Require them to attend a refresher course every three years</li> </ul> <p><i>(Ind. Code 7.1-3-1.5-13)</i></p>	<p>A proprietor or employee of an art instruction studio who serves wine brought into the studio by patrons</p> <p>Employees of a farm winery permittee who serve wine on the licensed premises</p> <p>Artisan distillery permittees</p> <p>Employees age 19 or 20 who serve alcoholic beverages in a dining area or family room of a restaurant or hotel in the course of their supervised employment as a waiter, waitress, or server</p> <p><i>(Ind. Code 7.1-3-1.5-1, 7.1-3-1.5-13, 7.1-3-12-5, 7.1-3-27-7, 7.1-5-8-4.6, and 7.1-5-7-13)</i></p>	
Kentucky	<p>Yes</p> <p>Requires specified mandatory training in two circumstances:</p> <ul style="list-style-type: none"> <li>When alcoholic beverages are sold or served on distillery premises by distillers with a retail drink license; and</li> <li>When alcohol is consumed on a quadricycle operated by a commercial quadricycle business with an authorized public consumption license</li> </ul> <p><i>(Ky. Rev. Stat. 243.0305(9) and 243.089(4))</i></p>	<p>A distillery employee who sells or serves alcohol (must complete the required training within 30 days of beginning employment); and</p> <p>An employee driver of the commercial quadricycle business</p> <p><i>(Ky. Rev. Stat. 243.0305(9) and 243.089(4))</i></p>	<p>In addition to revocation of the offender's license, the following criminal penalties:</p> <ul style="list-style-type: none"> <li>For a first offense, a Class B misdemeanor; and</li> <li>For a second or subsequent offense, a Class A misdemeanor</li> </ul> <p><i>(Ky. Rev. Stat. 243.990(1))</i></p>

Alcohol Server Training			
State	Mandatory Training?	If so, for Whom?	Consequences for Noncompliance
Michigan	<p>Yes</p> <p>Generally requires an on-premises alcoholic liquor licensee to have employed or present on the premises, on each shift and during all hours in which alcohol is served, supervisory personnel who have completed a specified server training program</p> <p>(The requirement applies to such a licensee that is obtaining a new on-premises license or transferring a more than 50% interest in an existing on-premises license.)</p> <p><i>(Mich. Comp. Laws 436.1501(1) and 436.1906(10))</i></p>	<p>Supervisory personnel of on-premises alcoholic liquor licensees</p> <p><i>(Mich. Comp. Laws 436.1906(10))</i></p>	<p>License nonissuance, suspension, or revocation or a fine up to \$300 for each violation or both</p> <p><i>(Mich. Comp. Laws 436.1501(1), 436.1903(1), and 436.1906(10))</i></p>
Pennsylvania	<p>Yes</p> <p>Requires a holder of a restaurant, retail dispenser, eating place, hotel, club, catering club, distributor, or importing distributor license to do both of the following:</p> <ul style="list-style-type: none"> <li>▪ Have at least 50% of its alcohol service personnel certified as having completed an alcohol beverage servers training;</li> <li>▪ Have its manager or owner certified as having successfully completed manager/owner training that includes</li> </ul>	<p>Alcohol service personnel and owners or managers of specified licensees</p> <p><i>(47 P.S. 4-471.1(d))</i></p>	<p>License suspension or revocation or a fine (generally from \$50 to \$1,000) or both</p> <p><i>(47 P.S. 4-471)</i></p>

Alcohol Server Training			
State	Mandatory Training?	If so, for Whom?	Consequences for Noncompliance
	<p>aspects of the alcohol server training<sup>12</sup></p> <p><i>(47 P.S. 4-471.1(d))</i></p>		
West Virginia	<p>Yes</p> <p>Requires specified mandatory training in two types of circumstances:</p> <ul style="list-style-type: none"> <li>▪ Holders of specified retail alcohol delivery licenses must provide training to delivery persons;</li> <li>▪ Private caterers or persons or entities holding a catering event must ensure that persons who sell or serve alcohol or nonintoxicating beer on their behalf have received certified training</li> </ul> <p><i>(W. Va. Code 11-16-6d(e), 60-3A-3b(e), 60-7-2(8), 60-7-8f(e), 60-8-6e(e), and 60-8-6f(e))</i></p>	<p>Persons delivering alcoholic beverages or nonintoxicating beer to consumers; and</p> <p>Employees, independent contractors, and volunteers of private caterers or persons or entities holding a catering event who sell or serve alcoholic liquors or nonintoxicating beer</p> <p><i>(W. Va. Code 11-16-6d(e), 60-3A-3b(e), 60-7-2(8), 60-7-8f(e), 60-8-6e(e), and 60-8-6f(e))</i></p>	<p>The licensee is responsible for violations and subject to any of the following consequences or a combination of them:</p> <ul style="list-style-type: none"> <li>▪ Alcohol delivery: Fines and license probation, suspension, or revocation</li> <li>▪ Catering: License probation, suspension, or revocation and a fine of up to \$1,000 per violation for which revocation is not imposed plus forfeiture of required bond</li> </ul> <p><i>(W. Va. Code 11-16-6d(h), 60-3A-3b(h), 60-7-8f(h), 60-7-13, 60-8-6e(h), 60-8-6f(h), and 60-7-14)</i></p>

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<sup>12</sup> See [RAMP Certification](#), which may be accessed using a keyword “RAMP Certification” search on the Pennsylvania Liquor Control Board’s website: [lcb.pa.gov](http://lcb.pa.gov).