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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

Synopsis of House Committee Amendments

(This synopsis does not address amendments that may have been adopted on the House Floor.)

S.B. 9 of the 134th General Assembly

House Government Oversight

Paul Luzzi, Attorney

Reducing regulatory restrictions

Specifies that the Joint Committee on Agency Rule Review (JCARR) may recommend invalidation of a proposed rule or existing rule for failure to justify a regulatory restriction only if the agency submitting the rule is subject to the bill's requirements related to reducing regulatory restrictions.

Exempts rules adopted by the Ohio Casino Control Commission under Chapter 3775 of the Revised Code, which governs sports gaming (betting), from current law's and the bill's requirements related to reducing regulatory restrictions.

Allows JCARR to lessen the reduction in regulatory restrictions required by the As Passed by Senate version if a covered agency fails to meet a reduction goal and submits both of the following to JCARR:

- A modified inventory of regulatory restrictions consisting of the base inventory required under continuing law minus any rule that implements a federal requirement in a manner that is not more stringent or burdensome than the federal requirement.
- A written analysis explaining how each rule identified by the agency implements a federal requirement in a manner that is not more stringent or burdensome than the federal requirement.

Extends the Senate-passed version's proposed deadline for the JCARR Director to prepare the initial historical report aggregating covered state agencies' reports on regulatory restriction reductions to not later than December 15, 2023 (the Senate-passed version required it to be prepared not later than December 15, 2022).

Implementation of federal laws or rules

Requires any agency that submits a proposed or existing rule implementing a federal requirement to JCARR to provide JCARR with a citation to the source of the federal requirement and a statement as to whether the proposed rule is more or less stringent or burdensome than the federal requirement.

Permits JCARR to recommend the invalidation of a proposed or existing rule implementing a federal requirement if JCARR finds that the rule is more stringent or burdensome than the federal requirement.

Other states' regulations

Clarifies that when an agency is reviewing its own rule to determine whether it duplicates, overlaps with, or conflicts with other laws or rules, the agency is required to examine federal laws and rules and Ohio laws and rules and not "another state or federal law" as in the Senate-passed version.

Liquor Control Laws – technical and corrective changes

Makes technical and corrective changes in the following Liquor Control Laws:

- Corrects an erroneous cross reference in the law that allows a political organization or 501(c)(3) charitable organization to give away beer or intoxicating liquor, without a liquor permit, as a fundraising prize;
- Does both of the following regarding a provision of law that allows a trade marketing professional, broker, or solicitor of alcoholic beverages to use social media for on-premises brand promotions and product location communications:
 - Includes a required cross-reference; and
 - Changes a reference to the term "tastings" to "tasting samples" to provide consistency among various liquor law provisions.
- Allows a local option election for the sale of beer to be held on the day of a special election on a day on which a primary election may be held, thus making local option elections for beer consistent with other local option elections (as recently amended in S.B. 102 of 134th General Assembly).