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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

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Office

H.B. 504
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Pavliga

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SUMMARY

- Requires a liquor permit holder and the permit holder's employees to complete a training program approved by the Superintendent of Liquor Control.
- Requires the training program to include instruction on the statutes and rules governing the sale of beer and intoxicating liquor, with reference to laws governing underage drinking, service of alcohol to intoxicated persons, and the use of conflict management skills.
- Provides immunity from civil liability to those who successfully complete and properly implement the training protocols.
- Names the act Hayden's Law.

DETAILED ANALYSIS

Alcohol server training

The bill requires a liquor permit holder and the permit holder's employees to complete a training program approved by the Superintendent of Liquor Control. The training program must include all of the following:

1. Instruction on the statutes and rules that govern the sale of beer, wine, mixed beverages, and intoxicating liquor in Ohio;
2. Instruction on preventing the illegal service of beer, wine, mixed beverages, and intoxicating liquor to persons under 21;
3. Instruction on recognizing when to decrease and stop serving beer, wine, mixed beverages, or intoxicating liquor to a person due to the risk of intoxication; and
4. Use of conflict management skills in alcohol-related situations.

In approving the program, the Superintendent must establish the number of hours required to complete the training and a method for determining if a liquor permit holder or an employee of a liquor permit holder successfully completed the training.¹

Civil immunity

Current law generally provides immunity to a liquor permit holder and the permit holder's employees for the actions of an intoxicated person who causes personal injury, death, or property damage. However, the permit holder and their employees are liable if the personal injury, death, or property damage occurred on the permit holder's premises or in a parking lot under the control of the permit holder and was proximately caused by the negligence of the permit holder or the permit holder's employee. If the injury, death, or property damage occurs away from the permit holder's premises, the permit holder or employee is liable if the permit holder or employee:

1. Sold an intoxicating beverage to a noticeably intoxicated person or to an underage person; and
2. The person's intoxication proximately caused the death, injury, or property damage.

The bill provides that a permit holder or the permit holder's employee is also immune from civil liability if both of the following apply:

1. The permit holder and all of the permit holder's employees have successfully completed the training required by the bill; and
2. The permit holder and any employee of the permit holder followed all protocols specified in the training program with respect to the intoxicated person who proximately caused the injury, death, or property damage.²

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 04-23-24 |

ANHB0504IN-135/ts

¹ R.C. 4399.19.

² R.C. 4399.18.