

**Testimony of Andrew W. Herf, Executive Director,
Ohio Licensed Beverage Association
before the
Ohio House Commerce & Labor Committee
in support of HB 219**

Chair Manning, Vice Chair Dean and Ranking Member Lepore-Hagan thank you for the opportunity to testify today as a proponent of HB 219 on behalf of the Ohio Licensed Beverage Association. I would also like to thank Representatives Becker and Hoops for sponsoring this bill, which will bring one small aspect of Ohio's liquor laws into the 21st century.

The Ohio Licensed Beverage Association is a trade association made up of hundreds of small business owners operating bars and taverns in Ohio.

In sponsor testimony, the sponsors walked through a brief evolution of Ohio's Sunday sales laws which demonstrated the simple fact that this law has evolved. Sunday sales were prohibited, then allowed on a precinct wide vote starting at 1:00 PM, then allowed after a site specific vote, then a 10:00 AM start time question was created, then all of the 1:00 PM start times were moved to 11:00 AM. Whether this bill passes this General Assembly, or incremental change moves the debate closer over time, the legislature has never passed a bill to further restrict Sunday sales. Therefore, I believe that this bill is the logical end point based on an 80-year trend. Representing a trade association of small business owners, the passage of HB 219 would allow many of our members to take advantage of one of the best retail sales days of the week.

For most people, Sunday is a day off. Sunday is also a day that a lot of families have cook-outs in the summer, or watch football in the fall. In fact, Sunday is such a good selling day for alcohol that 12,000 retailers have successfully taken the expensive gamble to go to the voters to ask for the right to sell on Sunday. Several other have asked and failed, and I would like to address each group individually.

The OLBA board is populated with establishments who have successfully passed Sunday sales elections. Every one of our board members who has won an election supports this bill. The reason they support it is that in many cases they won their election years ago and have long since made their money back on the election, but they would like to save money on their annual permit fee. Over the next 10 years, each of those establishments will pay \$5,000 in fees for the right to sell part of the day. When asked if they are concerned about losing Sunday business to a neighbor who currently does not compete on Sunday, they said no. Their attitude is that having another location open will drive more overall traffic to the area and to their establishment.

The more important question, and the core policy decision that this committee is considering is what about the voters that denied Sunday sales for a precinct or a parcel? There are precincts that have voted against Sunday sales, and in some cases multiple times. In other precincts, the voters have never been asked because a business owner simply cannot afford to run an election. If this bill passes, there will be some places that open on Sundays in precincts where people do not want them open. In theory, if the locals do not want Sunday sales, then they will not go to those places. Most places do not want to be open, turn on the lights and pay employees

when there are no customers. What is likely to actually happen is that those who would have voted yes will support the local business and those who would have voted no will not. The real policy debate is whether a pool of no voters should be empowered to require a business that they have no stake in, to be forced into spending money to allow others in the same area to simply have a drink on Sunday.

In other words, if a person does not want to drink alcohol on Sunday, or open their business on Sunday, then they do not have to. Nothing in this bill forces that decision on them.

The Ohio legislature clearly has the authority to change this outdated approach, and I believe the legislature will make this change. I am simply asking for your consideration to make it now rather than in another 10 or 20 years.