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VIA REGULAR U.S. MAIL

July 28, 2020

Senator Frank Hoagland
Chair
Agriculture & Natural Resources Committee, Ohio Senate
1 Capital Square, First Floor
Columbus, Ohio 43215

Re: Sale of Beer, Wine and Intoxicating Liquor until 4 a.m. (H.B. 674)

Dear Senator Hoagland:

The City of Cincinnati, and the Cincinnati Police Department in particular, are concerned about H.B. 674, which proposes amending Chapter 4303 of the Ohio Revised Code to permit the sale of beer, wine and liquor until 4 a.m. The concern is that this legislation in its current form does not incorporate the local review process that exists for other similar permits.¹

It is imperative that this review process be incorporated into H.B. 674 to protect against risks to public safety, such as increased instances of disorder from bars and nightclubs and operating vehicles under the influence. These risks will increase the demands on local law enforcement agencies without providing the requisite corresponding authority to comment to the Ohio Liquor Division about the public safety concerns at specific businesses.

¹ Passage of H.B. 674 would create a new J class liquor permit that allows the sale of beer and intoxicating liquor between the hours of 2:30 a.m. and 4:00 a.m. on Saturday and Sunday mornings. Under proposed R.C. 4303.221, any carryout, restaurant, bar or nightclub (C or D class retail liquor permit holder) would be able to obtain a J class permit for an annual fee of \$100.00. Unlike C and D class permits, however, Ohio municipalities and townships would have no right of objection to a J class permit under the version of H.B. 674 passed by the Ohio House.

Academic studies have long demonstrated a connection between extended service hours and diminished public safety. For instance, a 2013 study found that each additional hour of alcohol sales was significantly associated with 4.75 more reported violent crimes per 100,000 people.² Similarly, another 2013 study found longer serving hours strongly correlated to an increased rate of first-time OVIs.³

In the last two years, Cincinnati has experienced an increase in fights, disorder, and noise complaints that ultimately led to the closure of bars that operated after 2:30 a.m. H.B. 674 in its current form poses particularly acute harm for local jurisdictions close to Ohio's borders, such as Cincinnati. For example, the three Kentucky counties that border Cincinnati end alcohol sales at 2:30 a.m. But a short car ride over the Ohio river will allow for an additional hour and a half of drinking. Consequently, Cincinnati will have to address an influx of intoxicated bar and nightclub patrons until 4 a.m. And patrons leaving these establishments may substantially disrupt the peace and quiet of neighborhoods or, worse, drive drunk under the influence.

Because local law enforcement is charged with responding to these hazards, local jurisdictions like Cincinnati bear the cost of permitting alcohol sales until 4 a.m. Police departments will have to make substantial and costly operational changes. For example, Cincinnati and other jurisdictions will have to pay significant overtime to officers responding to increased public safety hazards stemming from the proposed additional operational hours, which will result in hundreds of thousands of dollars in unanticipated costs.

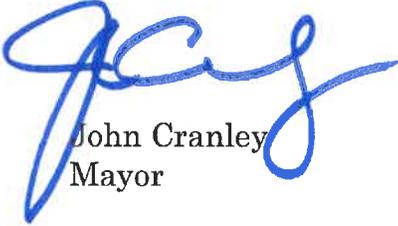
The City of Cincinnati and the Cincinnati Police Department therefore request that H.B. 674 be amended to provide the same objection processes for the issuance of the proposed J class permit that exist for other liquor permits. The right to object should extend to both the issuance and annual renewal of these permits. Regulation of the hours of sale is a powerful public safety tool, and municipalities and townships should be allowed to comment on who is granted the extraordinary privilege to operate until 4 a.m.

² Schofield, T.P. & Denson, T.F. (2013). Alcohol Outlet Business Hours and Violent Crime in New York State. *Alcohol and Alcoholism*, 48(3):363-369.

³ Schofield, T.P. & Denson, T.F. (2013). Temporal Alcohol Availability Predicts First-Time Drunk Driving, But Not Repeat Offending. *PLoS One*. 2013;8(8):e71169.

I appreciate your attention and consideration of this matter. If we can be of any further assistance or guidance through the committee process, please do not hesitate to contact me.

Sincerely,



John Cranley
Mayor



Paula Boggs Muething
Interim City Manager