

**Testimony of Andrew W. Herf, Executive Director  
Ohio Licensed Beverage Association &  
Ohio Spirits Association  
before the  
Ohio Senate Agriculture & Natural Resources Committee  
in support of HB 669  
September 1, 2020**

Chair Hoagland, Vice Chair Schaffer, Ranking Member O'Brien and members of the Senate Agriculture & Natural Resources Committee, thank you for the opportunity to testify in support of HB 669 today.

My name is Andrew Herf and I am the Executive Director of the Ohio Licensed Beverage Association, and the Executive Director of the Ohio Spirits Association.

I would like to take a few minutes to explain why the groups I represent support the bill, and I would like to express concern for one of the provisions in the bill.

To begin, we support the measure to make "cocktails to go" a permanent fixture in Ohio. This provision was first adopted as an executive order and has been responsible for saving some of the bars in Ohio—so far. It served as a way to sell inventory, to make enough profit and in some cases to keep a bartender employed and it served as a way for bar owners to stay connected to their customers. But, just because bar owners have reopened, they are not out of the woods yet. They face heightened regulations, and smaller crowd sizes due to social distancing. Many consumers are afraid to go back to their local establishments either because they have other health issues, are elderly or are simply continuing to stay home. Bar owners want to continue to offer those customers the same service going forward that they have become accustomed to over the last several weeks.

The shutdown has been devastating for many small businesses and we are thankful that the DeWine administration was willing to experiment with a creative tool to help businesses survive. The experiment has been successful and we agree that making it a permanent feature in Ohio law can be done safely.

We also support the patio expansion language. Patios were the first places to open before customers were allowed inside establishments. Patios provide a great way to spread customers out and to get

people out into fresh air and sunshine. After Memorial Day, many customers prefer to be outside, and HB 669 will streamline the process to allow for patio expansions.

Finally, I would like to address an issue the issue of direct shipping that has been included in the bill. We were able to work with interested parties, the bill sponsors and the Ohio division of liquor control. As you will recall, HB 160 recently passed with an expansion of the amount of alcohol that may be sold by a craft distiller in Ohio. HB 669 deals with the manner in which they may sell.

Under HB 669, a craft distiller in Ohio would be able to sell directly to consumers through their bottle shop—which is a retail location. As a retailer they would use the same system that state agency stores use, and they would be a qualified agency store meaning that they would be permitted to sell the product that they produce. The provision would also allow other state agency stores to ship to consumers. All deliveries would be made through an H-permit holder such as UPS, Grub Hub or Instacart. Many Ohioans are not in a position to shop in person due to coronavirus, and this change would allow them to continue to purchase their favorite products safely, putting money into JobsOhio under the regulatory oversight of the Division of Liquor Control.

Again, I would like to thank Representatives Swearingen and LaRe for introducing HB 669 and for your time as a committee. I am happy to answer questions.