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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 348
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. DeMora and Blessing

Jeff Grim, Research Analyst

SUMMARY

- Requires certain liquor permit holders that are authorized to sell beer or intoxicating liquor for on-premises consumption to perform specified tasks related to drink drug testing devices, including providing a testing device for free or at minimum cost.
- States that a qualified permit holder is not liable for a defective test or inaccurate test result of a drink drug testing device, including a false positive or false negative test result.

DETAILED ANALYSIS

Drink drug testing devices

The bill requires a qualified liquor permit holder (generally bars, restaurants, breweries, and wineries, see “**Liquor permit holders subject to the bill’s requirements,**” below) to provide drink drug testing devices to patrons in accordance with the bill’s provisions. Under the bill, a drink drug testing device is a device that does all of the following:

- Utilizes test strips or similar technologies to detect the presence of drugs in beer or intoxicating liquor;
- Is capable of detecting the presence of at least ten controlled substances (which are drugs, compounds, mixtures, preparations, or substances included in Schedule I, II, III, IV, or V);
- Is capable of providing results in up to five minutes after beer or intoxicating liquor is tested by the device; and
- Is manufactured in the U.S. or its territories.

In order to comply with the bill’s requirements, a qualified liquor permit holder must do all of the following:

1. Post a notice in a prominent and conspicuous location that informs customers of the availability of a drink drug testing device (see below);
2. Provide a drink drug testing device for free or at a cost not to exceed a reasonable amount based on the wholesale cost of those devices; and
3. Ensure that all drink drug testing devices offered to customers have not exceeded their expiration dates or recommended periods of use, according to the product label.

The bill states that a qualified permit holder is not liable for a defective test or inaccurate test result of a drink drug testing device, including a false positive or false negative test result.¹

Enforcement

The bill does not establish penalties for violating the above requirements. However, the Liquor Control Commission may revoke or suspend a liquor permit holder's permit for a violation of the bill's provisions under existing law. That law authorizes the Commission to take such actions when a permit holder violates any restriction specified under the liquor control laws.²

Liquor permit holders subject to the bill's requirements

Below is a list of liquor permits to which the bill's drink drug testing requirements apply. The list includes a description of each permit.

Class of liquor permit³	Authorized activity
A-1	Large brewery may sell its beer for on- or off-premises consumption.
A-1c	Craft brewery may sell its beer for on- or off-premises consumption.
A-1-A	Brewery, winery, or distillery may sell beer and any intoxicating liquor by glass or from a container; and a brewery may sell beer for off-premises consumption.
A-2	Winery may sell wine to personal consumers for on- or off-premises consumption and to wholesalers
A-2f	Farm winery (same authorized activity as a winery, but winery grows grapes and other agricultural products).

¹ R.C. 4301.73.

² R.C. 4301.25, not in the bill.

³ R.C. 4303.021 to 4303.183, not in the bill.

Class of liquor permit ³	Authorized activity
D class	Bars, restaurants, or clubs may sell beer, wine, mixed beverages, or spirituous liquor, or a combination of those alcoholic beverages for on- or off-premises consumption, or both.
F-2	Certain nonprofit organizations may sell beer or intoxicating liquor at a special event lasting up to four days.

HISTORY

Action	Date
Introduced	02-02-26