



John Rogers
State Representative, 60th District

John Becker
State Representative, 65th District

Sponsor Testimony for House Bill 389

State Representative John Rogers

Chairman Manning, Ranking Member Lepore-Hagan and members of the House Ways and Means Committee, thank you for allowing Rep. Becker and I the opportunity to provide sponsor testimony on House Bill 389, legislation to permit not-for-profit and charitable organization holding fundraising events without a liquor permit to be able to give away beer, wine or intoxicating liquor as a prize.

All of us are familiar with attending various fundraisers for a variety of charitable organizations including golf outings, reverse raffles, seasonally themed events such as an Oktoberfest and more.

One of the more significant events held at my parish, St. John Vianney Church, is its Celtic Ball. The event typically includes a raffle and a silent auction to which I frequently donate gift

baskets purchased from our Statehouse Museum Shop that have often included a bottle or two of the Ohio wines offered for sale there. It is a common practice for churches and other not-for-profit entities to give away "a basket of cheer" as part of a fundraising event.

A few years ago, I was given a letter that had been received by the Pastor of my Church from the Catholic Diocese of Cleveland. The letter, sent to all of the diocesan parishes, outlined the fact that Ohio law does not allow alcoholic beverages to be given away as a prize during fundraisers without out the necessary Ohio permit/license.

Then again, back in 2018, my brother brought a large basket of cheer to donate as a raffle prize at a fundraiser for Womankind, Inc., a maternal health care facility co-founded by my mother years ago. A board member, who is an attorney for the Diocese of Cleveland, advised my brother and others that his gift could not be accepted because of the existing law here in Ohio.

Ohio's Department of Commerce currently has a process through which a nonprofit organization can obtain a temporary liquor permit to offer alcoholic beverages, including gifts, at an event.¹ If a caterer, with an appropriate license is handling the event's beverages during a fundraiser, there is no pathway in place to allow the church or 501(c)(3) designated organization to give away beer, wine and/or liquor as a prize without having obtained a separate permit.

¹ Ohio Revised Code: Title 43, Chapter 4303
<http://codes.ohio.gov/orc/4303>

The legislation proposed would revise ORC §4301.58 to allow organizations to give away intoxicating liquor, beer and/or wine under the following conditions:

- 1) The organization is either a church or a 501(c)(3) designated charitable organization;
- 2) The organization does not already hold a liquor permit; and
- 3) The beer/wine or intoxicating liquor being given away is in a sealed container for off-premise consumption.

There will continue to be no prohibition on the sale or possession for sale of any low alcohol beverage, and the changes included in this bill will go into effect immediately upon being signed into law.

Ohioans benefit from the many churches, charities and organizations that do important, civically-minded work throughout our communities. This legislation in essence allows charitable organizations' relief from any potential liquor control related penalties for unknowingly violating Ohio's liquor laws while participating in what is an innocuous and fairly commonplace practice.

Joe Michalowski, Legislative Aide to Rep. Becker

Chairman Manning, Vice Chairman Dean, Ranking Member Lepore-Hagan, and members of the House Commerce and Labor Committee, thank you for the opportunity to provide sponsor

testimony on House Bill 389 on Representative Becker's behalf, as he is feeling under the weather at this time.

HB 389 ensures that churches and other charitable organizations are able to raffle off a "basket of cheer" which includes alcoholic beverages without having to go through the bureaucratic process of obtaining a temporary liquor license and pay a fee for that purpose. Current law requires that the organization must obtain such a license even if its caterer has already obtained a liquor license. Many organizations that intend to abide by the law are simply unaware of this requirement. It's long past time to allow this philanthropy to continue to produce good fruit in our communities with the assurance that their activities don't run afoul of the Revised Code.

Representative Becker is honored to join Representative Rogers in cutting red tape to allow Ohio's churches and other non-profit organizations to raise funds more easily. As we approach Thanksgiving in a year that has been fraught with significant financial hardship, now is the perfect time to advance a bill that would bring joy to the numerous ministries who benefit from such organizations.

Once again, we would like to thank the committee for your time and consideration of this legislation. We urge your support for the bill and welcome any questions that you may have.