

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 504

Representative Pavliga

Cosponsors: Representatives Carruthers, Seitz, Young, T.

A BILL

To amend section 4399.18 and to enact section 1
4399.19 of the Revised Code to require alcohol 2
server training and to provide immunity from 3
civil liability to those who successfully 4
complete and implement the training and to name 5
this act Hayden's Law. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4399.18 be amended and section 7
4399.19 of the Revised Code be enacted to read as follows: 8

Sec. 4399.18. (A) Notwithstanding division (A) of section 9
2307.60 of the Revised Code and except as otherwise provided in 10
this section, no person, and no executor or administrator of the 11
person, who suffers personal injury, death, or property damage 12
as a result of the actions of an intoxicated person has a cause 13
of action against any liquor permit holder or an employee of a 14
liquor permit holder who sold beer or intoxicating liquor to the 15
intoxicated person unless ~~the~~ both of the following apply: 16

(1) The personal injury, death, or property damage 17
occurred on the permit holder's premises or in a parking lot 18

under the control of the permit holder~~and~~. 19

(2) The personal injury, death, or property damage was 20
proximately caused by the negligence of the permit holder or an 21
employee of the permit holder. ~~A~~ 22

(B) A person has a cause of action against a permit holder 23
or an employee of a permit holder for personal injury, death, or 24
property damage caused by the negligent actions of an 25
intoxicated person occurring off the premises or away from a 26
parking lot under the permit holder's control only when both of 27
the following can be shown by a preponderance of the evidence: 28

~~(A)~~ (1) The permit holder or an employee of the permit 29
holder knowingly sold an intoxicating beverage to at least one 30
of the following: 31

~~(1)~~ (a) A noticeably intoxicated person in violation of 32
division (B) of section 4301.22 of the Revised Code; 33

~~(2)~~ (b) A person in violation of section 4301.69 of the 34
Revised Code. 35

~~(B)~~ (2) The person's intoxication proximately caused the 36
personal injury, death, or property damage. 37

(C) A permit holder or employee of a permit holder is not 38
liable in a civil action under division (A) or (B) of this 39
section if both of the following apply: 40

(1) The permit holder and all of the permit holder's 41
employees have successfully completed the training required 42
under section 4399.19 of the Revised Code. 43

(2) The permit holder and any employee of the permit 44
holder followed all protocols specified in the training program 45
with respect to the intoxicated person who proximately caused 46

personal injury, death, or property damage.

(D) Notwithstanding sections 4399.02 and 4399.05 of the
Revised Code, no person, and no executor or administrator of the
person, who suffers personal injury, death, or property damage
as a result of the actions of an intoxicated person has a cause
of action against the owner of a building or premises who rents
or leases the building or premises to a liquor permit holder
against whom a cause of action may be brought under this
section, except when the owner and the permit holder are the
same person.

Sec. 4399.19. (A) A permit holder and the permit holder's
employees shall complete a training program approved by the
superintendent of liquor control under division (B) of this
section.

(B) The superintendent shall approve a training program
that includes all of the following:

(1) Instruction on the statutes and rules that govern the
sale of beer, wine, mixed beverages, and intoxicating liquor in
this state;

(2) Instruction on preventing the illegal service of beer,
wine, mixed beverages, and intoxicating liquor to persons under
twenty-one years of age;

(3) Instruction on recognizing when to decrease and stop
serving beer, wine, mixed beverages, or intoxicating liquor to a
person due to the risk of intoxication;

(4) Use of conflict management skills in alcohol-related
situations.

(C) In approving the program under division (B) of this

section, the superintendent shall establish the number of hours 75
required to complete the training and a method for determining 76
if a liquor permit holder or an employee of a liquor permit 77
holder successfully completed the training. 78

Section 2. That existing section 4399.18 of the Revised 79
Code is hereby repealed. 80

Section 3. This act shall be known as Hayden's Law. 81