



Ohio Administrative Code

Rule 4301:1-1-79 Restrictions on warrantless administrative inspections.

Effective: [October 25, 2021](#)

This rule is being adopted in order to comply with the mandate of Amended Substitute House Bill 405 of the 118th General Assembly to limit the time, place, and scope of warrantless administrative inspections of all liquor permit premises, by authorized agents or employees of the division of liquor control, the department of public safety, or by any peace officer, as this term is defined in section 2935.01 of the Revised Code.

Warrantless administrative inspections may be conducted by authorized agents or employees of the division of liquor control, the department of public safety, or peace officers as defined in section 2935.01 of the Revised Code subject to the following limitations as to time, place, and scope:

(A) Inspections shall be conducted for the limited purpose of determining compliance with the provisions of the liquor control act and the rules of the liquor control commission or the division of liquor control.

(B) Inspections may be conducted only during those hours in which the permit holder is open for business and only by authorized agents of the division of liquor control, the department of public safety, or by any peace officer, as this term is defined in section 2935.01 of the Revised Code. Inspections may be conducted at other times only if it reasonably appears that all or part of the permit premises is in operation.

(C) Inspections shall be conducted on that portion of the premises that is included as part of the licensed premises. The licensed premises shall be determined by the most current sketch of the premises on file with the division of liquor control. Additionally, the licensed premises shall include any part of that building or any other building connected with the licensed premises by direct access or by a common entrance and being used as a subterfuge or means of evading the provisions of Title XLIII of the Revised Code, the rules of the commission, or the division. The changing or alteration of what constitutes the licensed premises shall be governed by the provisions of rule 4301-1-02 of the Administrative Code.



(D) This provision for warrantless administrative inspections includes, but is not limited to, the search and seizure of materials in locked closets, filing cabinets, cellars, attics, storage rooms, desks, and safes located on the licensed premises and electronic devices, such as, DVRs, security cameras, and point of sale systems, so long as there is reasonable suspicion that evidence of violation of the liquor control act, the rules of the liquor control commission, or the rules of the division of liquor control will be found therein. Such materials shall include books and records, wherever they may be found on the premises. Nothing in this rule shall be construed to contravene the plain view doctrine. In addition, any part of any other building connected with the licensed premises by direct access or by a common entrance and being used as a subterfuge or means of evading the provisions of Title XLIII of the Revised Code, the rules of the commission, or the rules of the division of liquor control will be subject to the same inspection. It shall be within the discretion of the liquor control commission or any court of competent jurisdiction to determine whether the right to inspect was based on reasonable suspicion that evidence of violations of the liquor control act, rules of the liquor control commission, or division of liquor control would be found in said licensed premises.