

*****DRAFT - NOT FOR FILING*****

4301-2-01 Registered solicitors.

(A) Registration of individuals soliciting permit holders.

- (1) Any manufacturer, supplier, wholesale distributor, ~~or broker,~~ [or a trade marketing company](#), of beer, wine, or mixed beverages, ~~which products~~ [that](#) are to be sold or made in the state of Ohio, who is licensed or otherwise authorized to do business in Ohio, may employ individuals to serve as agents, solicitors, trade marketing professionals, or salespersons to solicit Ohio liquor permit holders. Any individual acting as such an agent, solicitor, trade marketing professional, or salesperson shall be required to register with the division every two years upon the anniversary of the individual's date of registration. The individual shall submit a registration form provided by the division for that purpose. Registered solicitors shall, from time to time, furnish additional information as the division may desire. The registration form must be accompanied by a letter from the manufacturer, supplier, wholesale distributor, or broker of the product, [or the trade marketing company](#) stating that the individual desiring to be registered is [authorized to represent the brand](#) ~~in its employ~~, and setting out the nature of the individual's duties in the state of Ohio.
- (2) Upon receipt of the registration form, the division may, in its discretion, issue credentials authorizing the individual to act as a registered solicitor in accordance with Revised Code Chapters 4301. and 4303., and rules adopted thereunder. If the division refuses to issue credentials, it shall notify the applicant, in writing and within thirty days not including Saturdays, Sundays, or holidays of receipt of the registration form as to the grounds for refusal. Refusal to issue credentials may be appealed to the liquor control commission pursuant to section 4301.28 of the Revised Code.
- (3) A manufacturer, supplier, wholesale distributor, or broker of beer, wine, or mixed beverages, may provide samples of its beer, wine, and mixed beverage products, which are registered for sale in Ohio, directly to its registered solicitors for distribution in accordance with rule 4301:1-1-32 of the Administrative Code.
- (4) Upon termination of employment of a registered solicitor, the employer shall notify the division in writing and within fifteen days of the termination. The registered solicitor must immediately return the credentials and any samples in the solicitor's possession to the employer, who shall forward the credentials to the division within fifteen days of the termination.
- (5) Permit holders may inspect the registered solicitor's credentials before placing an order to purchase with them.
- (6) Registered solicitors may only solicit orders on behalf of the employer identified on their credentials.

(B) Registration of individuals soliciting the division or permit holders.

- (1) Any manufacturer, supplier, or broker of spirituous liquor, [or a trade marketing company](#), who is licensed or otherwise authorized to do business in Ohio, who is doing or attempting to do business with the division or solicit Ohio liquor permit holders, may employ individuals to serve as agents, solicitors, trade marketing professionals, or salespersons. Any individual acting as such an agent, solicitor, trade marketing professional, or salesperson shall be registered by their employer every two years upon the anniversary of the individual's date of registration. The individual shall submit a registration form provided by the division for that purpose. Registered solicitors shall, from time to time, furnish

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additional information as the division may desire.

- (2) Upon receipt of the registration form, the division may, in its discretion, issue credentials authorizing the individual to act as a registered solicitor in accordance with Chapters 4301. and 4303. of the Revised Code and rules adopted thereunder. If the division refuses to issue credentials, it shall notify the applicant, in writing and within thirty days not including Saturdays, Sundays, or holidays of receipt of the registration form as to the grounds for refusal. Refusal to issue credentials may be appealed to the liquor control commission pursuant to section 4301.28 of the Revised Code.
- (3) Upon application and with the written consent of the division, samples of spirituous liquor may be delivered to a registered solicitor in care of the division under conditions imposed by the division. The division shall record receipt of samples. Only the registered solicitor named on the application and consented to by the division may withdraw samples. The registered solicitor shall acknowledge receipt of any sample.
- (4) Upon termination of employment of a registered solicitor, the employer shall notify the division in writing and within fifteen days of the termination. The registered solicitor must immediately return the credentials to the employer, who shall forward the credentials to the division within fifteen days of the termination.
- (5) Permit holders may inspect the registered solicitor's credentials before placing an order to purchase with them.
- (6) Registered solicitors may only solicit orders on behalf of the employer identified on their credentials.