

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 4301.01 and" 1
2

In line 2 of the title, after "cream" insert "and to allow a capsule that includes spirituous liquor to be sold as a mixed beverage" 3
4

In line 3, delete "section" and insert "sections 4301.01 and" 5

After line 4, insert: 6

"Sec. 4301.01. (A) As used in the Revised Code: 7

(1) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer, containing one-half of one per cent or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called, and whether they are medicated, proprietary, or patented. "Intoxicating liquor" and "liquor" include cider and alcohol, and all solids and confections which contain one-half of one per cent or more of alcohol by volume. 8
9
10
11
12
13
14
15
16

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 17



to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of 18
the Revised Code, "sale" and "sell" include exchange, barter, 19
gift, offer for sale, sale, distribution and delivery of any 20
kind, and the transfer of title or possession of beer and 21
intoxicating liquor either by constructive or actual delivery by 22
any means or devices whatever, including the sale of beer or 23
intoxicating liquor by means of a controlled access alcohol and 24
beverage cabinet pursuant to section 4301.21 of the Revised 25
Code. "Sale" and "sell" do not include the mere solicitation of 26
orders for beer or intoxicating liquor from the holders of 27
permits issued by the division of liquor control authorizing the 28
sale of the beer or intoxicating liquor, but no solicitor shall 29
solicit any such orders until the solicitor has been registered 30
with the division pursuant to section 4303.25 of the Revised 31
Code. 32

(3) "Vehicle" includes all means of transportation by 33
land, by water, or by air, and everything made use of in any way 34
for such transportation. 35

(B) As used in this chapter: 36

(1) "Alcohol" means ethyl alcohol, whether rectified or 37
diluted with water or not, whatever its origin may be, and 38
includes synthetic ethyl alcohol. "Alcohol" does not include 39
denatured alcohol and wood alcohol. 40

(2) "Beer" includes all beverages brewed or fermented 41
wholly or in part from malt products and containing one-half of 42
one per cent or more of alcohol by volume. 43

(3) "Wine" includes all liquids fit to use for beverage 44
purposes containing not less than one-half of one per cent of 45
alcohol by volume and not more than twenty-one per cent of 46

alcohol by volume, which is made from the fermented juices of 47
grapes, fruits, or other agricultural products, except that as 48
used in sections 4301.13, 4301.421, 4301.422, 4301.432, and 49
4301.44 of the Revised Code, and, for purposes of determining 50
the rate of the tax that applies, division (B) of section 51
4301.43 of the Revised Code, "wine" does not include cider. 52

(4) "Mixed beverages" include bottled and prepared 53
cordials, cocktails, highballs, and solids and confections that 54
are obtained by mixing any type of whiskey, neutral spirits, 55
brandy, gin, or other distilled spirits with, or over, 56
carbonated or plain water, pure juices from flowers and plants, 57
and other flavoring materials. The completed product shall 58
contain not less than one-half of one per cent of alcohol by 59
volume and not more than twenty-one per cent of alcohol by 60
volume. "Mixed beverages" includes the contents of a pod. 61

(5) "Spirituous liquor" includes all intoxicating liquors 62
containing more than twenty-one per cent of alcohol by volume. 63
"Spirituous liquor" does not include the contents of a pod. 64

(6) "Sealed container" means any container having a 65
capacity of not more than one hundred twenty-eight fluid ounces, 66
the opening of which is closed to prevent the entrance of air. 67

(7) "Person" includes firms and corporations. 68

(8) "Manufacture" includes all processes by which beer or 69
intoxicating liquor is produced, whether by distillation, 70
rectifying, fortifying, blending, fermentation, or brewing, or 71
in any other manner. 72

(9) "Manufacturer" means any person engaged in the 73
business of manufacturing beer or intoxicating liquor. 74

| | |
|--|-----|
| (10) "Wholesale distributor" and "distributor" means a | 75 |
| person engaged in the business of selling to retail dealers for | 76 |
| purposes of resale. | 77 |
| (11) "Hotel" has the same meaning as in section 3731.01 of | 78 |
| the Revised Code, subject to the exceptions mentioned in section | 79 |
| 3731.03 of the Revised Code. | 80 |
| (12) "Restaurant" means a place located in a permanent | 81 |
| building provided with space and accommodations wherein, in | 82 |
| consideration of the payment of money, hot meals are habitually | 83 |
| prepared, sold, and served at noon and evening, as the principal | 84 |
| business of the place. "Restaurant" does not include pharmacies, | 85 |
| confectionery stores, lunch stands, night clubs, and filling | 86 |
| stations. | 87 |
| (13) "Club" means a corporation or association of | 88 |
| individuals organized in good faith for social, recreational, | 89 |
| benevolent, charitable, fraternal, political, patriotic, or | 90 |
| athletic purposes, which is the owner, lessor, or occupant of a | 91 |
| permanent building or part of a permanent building operated | 92 |
| solely for those purposes, membership in which entails the | 93 |
| prepayment of regular dues, and includes the place so operated. | 94 |
| (14) "Night club" means a place operated for profit, where | 95 |
| food is served for consumption on the premises and one or more | 96 |
| forms of amusement are provided or permitted for a consideration | 97 |
| that may be in the form of a cover charge or may be included in | 98 |
| the price of the food and beverages, or both, purchased by | 99 |
| patrons. | 100 |
| (15) "At retail" means for use or consumption by the | 101 |
| purchaser and not for resale. | 102 |
| (16) "Pharmacy" means an establishment, as defined in | 103 |

section 4729.01 of the Revised Code, that is under the 104
management or control of a licensed pharmacist in accordance 105
with section 4729.27 of the Revised Code. 106

(17) "Enclosed shopping center" means a group of retail 107
sales and service business establishments that face into an 108
enclosed mall, share common ingress, egress, and parking 109
facilities, and are situated on a tract of land that contains an 110
area of not less than five hundred thousand square feet. 111
"Enclosed shopping center" also includes not more than one 112
business establishment that is located within a free-standing 113
building on such a tract of land, so long as the sale of beer 114
and intoxicating liquor on the tract of land was approved in an 115
election held under former section 4301.353 of the Revised Code. 116

(18) "Controlled access alcohol and beverage cabinet" 117
means a closed container, either refrigerated, in whole or in 118
part, or nonrefrigerated, access to the interior of which is 119
restricted by means of a device that requires the use of a key, 120
magnetic card, or similar device and from which beer, 121
intoxicating liquor, other beverages, or food may be sold. 122

(19) "Community facility" means either of the following: 123

(a) Any convention, sports, or entertainment facility or 124
complex, or any combination of these, that is used by or 125
accessible to the general public and that is owned or operated 126
in whole or in part by the state, a state agency, or a political 127
subdivision of the state or that is leased from, or located on 128
property owned by or leased from, the state, a state agency, a 129
political subdivision of the state, or a convention facilities 130
authority created pursuant to section 351.02 of the Revised 131
Code; 132

(b) An area designated as a community entertainment district pursuant to section 4301.80 of the Revised Code. 133
134

(20) "Low-alcohol beverage" means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one per cent of alcohol by volume. The beverages described in division (B) (20) of this section do not include a soft drink such as root beer, birch beer, or ginger beer. 135
136
137
138
139
140
141

(21) "Cider" means all liquids fit to use for beverage purposes that contain one-half of one per cent of alcohol by volume, but not more than six per cent of alcohol by weight, and that are made through the normal alcoholic fermentation of the juice of sound, ripe apples, including, without limitation, flavored, sparkling, or carbonated cider and cider made from pure condensed apple must. 142
143
144
145
146
147
148

(22) "Sales area or territory" means an exclusive geographic area or territory that is assigned to a particular A or B permit holder and that either has one or more political subdivisions as its boundaries or consists of an area of land with readily identifiable geographic boundaries. "Sales area or territory" does not include, however, any particular retail location in an exclusive geographic area or territory that had been assigned to another A or B permit holder before April 9, 2001. 149
150
151
152
153
154
155
156
157

(23) "Pod" means a sealed capsule made from plastic, glass, aluminum, or a combination thereof to which all of the following apply: 158
159
160

(a) The capsule contains intoxicating liquor of more than 161

twenty-one per cent of alcohol by volume. 162

(b) The capsule also contains a concentrated flavoring mixture. 163
164

(c) The contents of the capsule are not readily accessible or intended for consumption unless certain manufacturer's processing instructions are followed. 165
166
167

(d) The instructions include releasing the contents of the capsule through a machine specifically designed to process the contents. 168
169
170

(e) After being properly processed according to the manufacturer's instructions, the final product produced from the capsule contains not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume." 171
172
173
174
175

In line 73, delete "section" and insert "sections 4301.01 and" 176

In line 74, delete "is" and insert "are" 177

The motion was _____ agreed to.

SYNOPSIS 178

Intoxicating liquor pods 179

R.C. 4301.01 180

For purposes of the liquor control laws and alcoholic beverage taxes, treats a pod containing spirituous liquor (more than 21% alcohol) as a mixed beverage, even though the alcohol content exceeds the statutory minimum alcohol level of 181
182
183
184

| | |
|--|-----|
| spirituous liquor. | 185 |
| Defines "pod" to mean a sealed capsule made from plastic, | 186 |
| glass, aluminum, or a combination thereof to which all of the | 187 |
| following apply: | 188 |
| (1) The capsule contains intoxicating liquor of more than | 189 |
| twenty-one per cent of alcohol by volume; | 190 |
| (2) The capsule also contains a concentrated flavoring | 191 |
| mixture; | 192 |
| (3) The contents of the capsule are not readily accessible | 193 |
| or intended for consumption unless certain manufacturer's | 194 |
| processing instructions are followed; | 195 |
| (4) The instructions include releasing the contents of the | 196 |
| capsule through a machine specifically designed to process the | 197 |
| contents; | 198 |
| (5) After being properly processed according to the | 199 |
| manufacturer's instructions, the final product produced from the | 200 |
| capsule contains not less than one-half of one per cent of | 201 |
| alcohol by volume and not more than twenty-one per cent of | 202 |
| alcohol by volume. | 203 |