As Passed by the House

133rd General Assembly

Regular Session 2019-2020

H. B. No. 160

Representative Ingram

Cosponsors: Representatives Crawley, Crossman, Galonski, Kent, Lepore-Hagan, Lipps, Miller, A., Patterson, Upchurch, Wiggam, Kelly, Hambley, Russo, Sobecki, Wilkin, Blessing, Callender, Denson, Miller, J., Miranda, Seitz, Strahorn, Weinstein

A BILL

То	amend	section	n 4303.051 d	of the Revi	sed Code t	0 1
	revise	the la	aw governind	g alcoholic	ice cream	. 2

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

Section 1. That section 4303.051 of the Revised Code be	3
amended to read as follows:	4
Sec. 4303.051. (A) Permit A-5 may be issued to a	5
manufacturer of ice cream to manufacture ice cream that contains	6
not less than one-half of one per cent of alcohol by volume and	7
not more than six per cent of alcohol by volume, provided that	8
the sale of beer or intoxicating liquor for on- and off-premises	9
consumption is authorized in the election precinct in which the	10
manufacturer is located and to sell that ice cream to either of	11
the following:	12
(1) A personal consumer for consumption on the premises	13
where manufactured or in sealed containers for consumption off	14
the premises where manufactured;	15
(2) A retail permit holder that is authorized to sell beer	16

or intoxicating liquor.	17				
(B)—An A-5 permit holder may sell ice cream under this—	18				
section only for consumption on the premises where manufactured					
or in sealed containers for consumption off the premises where	20				
manufactured. An A-5 permit holder may sell ice cream under this-	21				
section only by in-person transaction at the permit premises. An-	22				
A-5 permit holder shall not ship, send, or use an H permit-	23				
holder to deliver ice cream to a personal consumer. An A-5-	24				
permit holder shall not sell more than four pints of ice cream	25				
for off-premises consumption to a personal consumer in any-	26				
calendar day No A-5 permit shall be issued unless the sale of	27				
beer or intoxicating liquor for on- and off-premises consumption	28				
is authorized in the election precinct in which the manufacturer					
applying for the permit is located.	30				
(C) An A-5 permit holder may ship ice cream the permit	31				
holder has manufactured under this section to a personal	32				
consumer via the holder of an H permit, subject to all of the	33				
following:					
	34				
(1) The package in which the ice cream is being shipped is	35				
clearly marked with the words "alcohol enclosed" in bold print.	36				
(2) Prior to sending a shipment of ice cream, the A-5	37				
permit holder, or an employee of the permit holder, makes a bona	38				
fide effort to ensure that the personal consumer is at least	39				
twenty-one years of age.	40				
(3) Upon delivering a shipment of ice cream, the H permit	41				
holder, or an employee of the permit holder, verifies that the					
personal consumer is at least twenty-one years of age by					
checking the personal consumer's driver's license, commercial	44				
driver's license, identification card issued under sections	45				

Section 2. That existing section 4303.051 of the Revised

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Code is hereby repealed.

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