

As Reported by the House State and Local Government Committee

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

A BILL

To amend section 4303.051 of the Revised Code to 1
revise the law governing 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 section only for consumption on the premises where manufactured or in sealed containers for consumption off the premises where manufactured. An A-5 permit holder may sell ice cream under this section only by in-person transaction at the permit premises. An A-5 permit holder shall not ship, send, or use an H permit holder to deliver ice cream to a personal consumer. An A-5 permit holder shall not sell more than four pints of ice cream for off-premises consumption to a personal consumer in any calendar day. No A-5 permit shall be issued unless the sale of beer or intoxicating liquor for on- and off-premises consumption is authorized in the election precinct in which the manufacturer applying for the permit is located.~~

18

19

20

21

22

23

24

25

26

27

28

29

30

(C) An A-5 permit holder may ship ice cream the permit holder has manufactured under this section to a personal consumer via the holder of an H permit, subject to all of the following:

31

32

33

34

(1) The package in which the ice cream is being shipped is clearly marked with the words "alcohol enclosed" in bold print.

35

36

(2) Prior to sending a shipment of ice cream, the A-5 permit holder, or an employee of the permit holder, makes a bona fide effort to ensure that the personal consumer is at least twenty-one years of age.

37

38

39

40

(3) Upon delivering a shipment of ice cream, the H permit 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 driver's license, identification card issued under sections

41

42

43

44

45

4507.50 to 4507.52 of the Revised Code, military identification 46
card issued by the United States department of defense, or 47
United States or foreign passport. 48

(D) An A-5 permit holder shall keep a record of each 49
shipment of ice cream that the permit holder sends to a personal 50
consumer under division (C) of this section. The A-5 permit 51
holder shall annually provide to the division of liquor control 52
by electronic means a report that includes all of the following: 53

(1) The name and address of each personal consumer that 54
purchased ice cream from the A-5 permit holder via shipment 55
under this section; 56

(2) The quantity of ice cream purchased by each personal 57
consumer; 58

(3) Any other information requested by the division. 59

The division shall prescribe and provide an electronic 60
form for the report and shall determine the specific electronic 61
means that the A-5 permit holder must use to submit the report. 62

~~(C)~~(E) A retail permit holder that is authorized to sell 63
beer or intoxicating liquor may sell ice cream that contains not 64
less than one-half of one per cent of alcohol by volume and not 65
more than six per cent of alcohol by volume and that is 66
manufactured by an A-5 permit holder or by an equivalent 67
manufacturer in another state. Such a manufacturer in another 68
state may sell such ice cream to a retail permit holder in this 69
state. 70

(F) The fee for an A-5 permit is one thousand dollars for 71
each plant. 72

Section 2. That existing section 4303.051 of the Revised 73

Code is hereby repealed.

74