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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Ingram

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SUMMARY

- Allows an alcoholic ice cream manufacturer (A-5 liquor permit holder) to ship the ice cream to a personal consumer via a permitted shipper and to sell the ice cream to retail liquor permit holders for resale to personal consumers.
- Allows an A-5 permit holder to ship alcoholic ice cream to a personal consumer only if certain conditions are met, including verification that the personal consumer is at least 21.
- Eliminates the restriction on the number of pints (four pints) of alcoholic ice cream that a personal consumer may purchase each day from an A-5 permit holder.

DETAILED ANALYSIS

Sales of alcoholic ice cream

The bill allows a manufacturer of alcoholic ice cream (A-5 liquor permit holder) to:

1. Ship alcoholic ice cream to a personal consumer via an H liquor permit holder (e.g., FedEx or UPS); and
2. Sell alcoholic ice cream to retail liquor permit holders for resale to personal consumers.¹

It also eliminates the cap on the amount of alcoholic ice cream (four pints) that a personal consumer may purchase from an A-5 permit holder in any given day.²

¹ R.C. 4503.051(A), (C), and (E). Under the bill, a retail permit holder also may sell alcoholic ice cream produced by manufacturers located in other states.

² R.C. 4303.051(B).

Under current law, alcoholic ice cream contains between 0.5% and 6% of alcohol by volume. An A-5 permit holder may sell it only to personal consumers at the permit holder's premises (for on- or off-premises consumption).³

Shipping requirements

In addition to the requirement to use an H permit holder as the shipper, a shipment of alcoholic ice cream by an A-5 permit holder to a personal consumer is subject to the following:

1. The package (in which the ice cream is being shipped) must be clearly marked with the words "alcohol enclosed" in bold print;
2. Prior to sending the shipment, the A-5 permit holder (or an employee) must make an effort to ensure that the personal consumer is at least 21; and
3. At the time of delivery, the H permit holder (or an employee) must verify that the personal consumer is at least 21.⁴

An A-5 permit holder must keep a record of each shipment of alcoholic ice cream sent to a personal consumer. Also, the A-5 permit holder must annually provide to the Division of Liquor Control a report that includes (1) the name and address of each personal consumer who purchased alcoholic ice cream via shipment, and (2) the quantity that the consumer purchased.⁵

HISTORY

Action	Date
Introduced	03-25-19

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³ R.C. 4503.051(A).

⁴ R.C. 4303.051(C).

⁵ R.C. 4303.051(D).