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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 160  
133rd General Assembly

## Bill Analysis

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**Version:** As Reported by House State & Local Government

**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.<sup>1</sup>

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.<sup>2</sup>

<sup>1</sup> 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.

<sup>2</sup> 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).<sup>3</sup>

### 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.<sup>4</sup>

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.<sup>5</sup>

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## HISTORY

Action	Date
Introduced	03-25-19
Reported, H. State & Local Gov't	06-13-19

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<sup>3</sup> R.C. 4503.051(A).

<sup>4</sup> R.C. 4303.051(C).

<sup>5</sup> R.C. 4303.051(D).