



Ohio Revised Code

Section 4303.051 A-5 permit.

Effective: October 13, 2020

Legislation: House Bill 160 - 133rd General Assembly

(A) Permit A-5 may be issued to a manufacturer of ice cream to manufacture ice cream that contains not less than one-half of one per cent of alcohol by volume and not more than six per cent of alcohol by volume and to sell that ice cream to either of the following:

(1) A personal consumer for consumption on the premises where manufactured or in sealed containers for consumption off the premises where manufactured;

(2) A retail permit holder that is authorized to sell beer or intoxicating liquor.

(B) 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.

(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:

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

(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.

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



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

- (1) The name and address of each personal consumer that purchased ice cream from the A-5 permit holder via shipment under this section;
- (2) The quantity of ice cream purchased by each personal consumer;
- (3) Any other information requested by the division.

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

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

(F) An A-5 permit holder shall include the surgeon general's warning specified under 27 U.S.C. 215 on each container of ice cream manufactured under the authority of this section. This division applies only to ice cream manufactured under the authority of this section that is sold in a retail food establishment or food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a grocery store or convenience store.

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