

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 68

Representative Ramos

**Cosponsors: Representatives Henne, Becker, Antonio, Retherford, Driehaus,
Lepore-Hagan, Phillips, Blessing, Sheehy, Roegner, Reece, Brenner**

A BILL

To amend section 4301.01 and to enact section 1
4301.71 of the Revised Code to allow beer 2
manufacturers to manufacture beer containing not 3
more than 21% of alcohol by volume beginning on 4
the effective date of this act, and, beginning 5
one year after the effective date of this act, 6
to allow the sale and distribution of beer 7
containing not more than 21% of alcohol by 8
volume in this state by increasing the legally 9
permitted alcohol content of beer from 12% to 10
21% and to generally prohibit the inclusion of 11
caffeine or other stimulants in beer containing 12
more than 12% of alcohol by volume. 13

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

Section 1. That section 4301.01 be amended and section 14
4301.71 of the Revised Code be enacted to read as follows: 15

Sec. 4301.01. (A) As used in the Revised Code: 16

(1) "Intoxicating liquor" and "liquor" include all liquids 17
and compounds, other than beer, containing one-half of one per 18

cent or more of alcohol by volume which are fit to use for 19
beverage purposes, from whatever source and by whatever process 20
produced, by whatever name called, and whether they are 21
medicated, proprietary, or patented. "Intoxicating liquor" and 22
"liquor" include cider and alcohol, and all solids and 23
confections which contain one-half of one per cent or more of 24
alcohol by volume. 25

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 26
to 4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of 27
the Revised Code, "sale" and "sell" include exchange, barter, 28
gift, offer for sale, sale, distribution and delivery of any 29
kind, and the transfer of title or possession of beer and 30
intoxicating liquor either by constructive or actual delivery by 31
any means or devices whatever, including the sale of beer or 32
intoxicating liquor by means of a controlled access alcohol and 33
beverage cabinet pursuant to section 4301.21 of the Revised 34
Code. "Sale" and "sell" do not include the mere solicitation of 35
orders for beer or intoxicating liquor from the holders of 36
permits issued by the division of liquor control authorizing the 37
sale of the beer or intoxicating liquor, but no solicitor shall 38
solicit any such orders until the solicitor has been registered 39
with the division pursuant to section 4303.25 of the Revised 40
Code. 41

(3) "Vehicle" includes all means of transportation by 42
land, by water, or by air, and everything made use of in any way 43
for such transportation. 44

(B) As used in this chapter: 45

(1) "Alcohol" means ethyl alcohol, whether rectified or 46
diluted with water or not, whatever its origin may be, and 47
includes synthetic ethyl alcohol. "Alcohol" does not include 48

denatured alcohol and wood alcohol.	49
(2) "Beer" includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one per cent or more, but not more than twelve <u>twenty-one</u> per cent, of alcohol by volume.	50 51 52 53
(3) "Wine" includes all liquids fit to use for beverage purposes containing not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products, except that as used in sections 4301.13, 4301.421, 4301.422, 4301.432, and 4301.44 of the Revised Code, and, for purposes of determining the rate of the tax that applies, division (B) of section 4301.43 of the Revised Code, "wine" does not include cider.	54 55 56 57 58 59 60 61 62
(4) "Mixed beverages" include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin, or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume.	63 64 65 66 67 68 69 70 71
(5) "Spirituous liquor" includes all intoxicating liquors containing more than twenty-one per cent of alcohol by volume.	72 73
(6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to prevent the entrance of air.	74 75 76
(7) "Person" includes firms and corporations.	77

(8) "Manufacture" includes all processes by which beer or 78
intoxicating liquor is produced, whether by distillation, 79
rectifying, fortifying, blending, fermentation, or brewing, or 80
in any other manner. 81

(9) "Manufacturer" means any person engaged in the 82
business of manufacturing beer or intoxicating liquor. 83

(10) "Wholesale distributor" and "distributor" means a 84
person engaged in the business of selling to retail dealers for 85
purposes of resale. 86

(11) "Hotel" has the same meaning as in section 3731.01 of 87
the Revised Code, subject to the exceptions mentioned in section 88
3731.03 of the Revised Code. 89

(12) "Restaurant" means a place located in a permanent 90
building provided with space and accommodations wherein, in 91
consideration of the payment of money, hot meals are habitually 92
prepared, sold, and served at noon and evening, as the principal 93
business of the place. "Restaurant" does not include pharmacies, 94
confectionery stores, lunch stands, night clubs, and filling 95
stations. 96

(13) "Club" means a corporation or association of 97
individuals organized in good faith for social, recreational, 98
benevolent, charitable, fraternal, political, patriotic, or 99
athletic purposes, which is the owner, lessor, or occupant of a 100
permanent building or part of a permanent building operated 101
solely for those purposes, membership in which entails the 102
prepayment of regular dues, and includes the place so operated. 103

(14) "Night club" means a place operated for profit, where 104
food is served for consumption on the premises and one or more 105
forms of amusement are provided or permitted for a consideration 106

that may be in the form of a cover charge or may be included in 107
the price of the food and beverages, or both, purchased by 108
patrons. 109

(15) "At retail" means for use or consumption by the 110
purchaser and not for resale. 111

(16) "Pharmacy" means an establishment, as defined in 112
section 4729.01 of the Revised Code, that is under the 113
management or control of a licensed pharmacist in accordance 114
with section 4729.27 of the Revised Code. 115

(17) "Enclosed shopping center" means a group of retail 116
sales and service business establishments that face into an 117
enclosed mall, share common ingress, egress, and parking 118
facilities, and are situated on a tract of land that contains an 119
area of not less than five hundred thousand square feet. 120
"Enclosed shopping center" also includes not more than one 121
business establishment that is located within a free-standing 122
building on such a tract of land, so long as the sale of beer 123
and intoxicating liquor on the tract of land was approved in an 124
election held under former section 4301.353 of the Revised Code. 125

(18) "Controlled access alcohol and beverage cabinet" 126
means a closed container, either refrigerated, in whole or in 127
part, or nonrefrigerated, access to the interior of which is 128
restricted by means of a device that requires the use of a key, 129
magnetic card, or similar device and from which beer, 130
intoxicating liquor, other beverages, or food may be sold. 131

(19) "Community facility" means either of the following: 132

(a) Any convention, sports, or entertainment facility or 133
complex, or any combination of these, that is used by or 134
accessible to the general public and that is owned or operated 135

in whole or in part by the state, a state agency, or a political 136
subdivision of the state or that is leased from, or located on 137
property owned by or leased from, the state, a state agency, a 138
political subdivision of the state, or a convention facilities 139
authority created pursuant to section 351.02 of the Revised 140
Code; 141

(b) An area designated as a community entertainment 142
district pursuant to section 4301.80 of the Revised Code. 143

(20) "Low-alcohol beverage" means any brewed or fermented 144
malt product, or any product made from the fermented juices of 145
grapes, fruits, or other agricultural products, that contains 146
either no alcohol or less than one-half of one per cent of 147
alcohol by volume. The beverages described in division (B) (20) 148
of this section do not include a soft drink such as root beer, 149
birch beer, or ginger beer. 150

(21) "Cider" means all liquids fit to use for beverage 151
purposes that contain one-half of one per cent of alcohol by 152
volume, but not more than six per cent of alcohol by weight, and 153
that are made through the normal alcoholic fermentation of the 154
juice of sound, ripe apples, including, without limitation, 155
flavored, sparkling, or carbonated cider and cider made from 156
pure condensed apple must. 157

(22) "Sales area or territory" means an exclusive 158
geographic area or territory that is assigned to a particular A 159
or B permit holder and that either has one or more political 160
subdivisions as its boundaries or consists of an area of land 161
with readily identifiable geographic boundaries. "Sales area or 162
territory" does not include, however, any particular retail 163
location in an exclusive geographic area or territory that had 164
been assigned to another A or B permit holder before April 9, 165

2001. 166

Sec. 4301.71. Except as otherwise provided in this 167
section, no beer containing more than twelve per cent of alcohol 168
by volume shall include caffeine or other stimulants, including 169
guarana, ginseng, or taurine. 170

This section does not apply to beer that has incidental 171
amounts of caffeine from coffee, chocolate, or tea. 172

Section 2. That existing section 4301.01 of the Revised 173
Code is hereby repealed. 174

Section 3. Sections 1 and 2 of this act shall take effect 175
one year after the effective date of this act. 176

Section 4. Notwithstanding section 4303.02 or 4303.022 of 177
the Revised Code, on the effective date of this act, the holder 178
of an A-1 or A-1c permit may manufacture beer containing not 179
more than twenty-one per cent of alcohol by volume. Nothing in 180
this section authorizes any person to sell or distribute beer in 181
this state containing more than twelve per cent of alcohol by 182
volume prior to one year after the effective date of this act. 183