
ENGROSSED HOUSE BILL No. 1212

DIGEST OF HB 1212 (Updated February 11, 1998 6:30 pm - DI 76)

Citations Affected: IC 7.1-5.

Synopsis: Alcoholic beverages. Makes it unlawful for a person engaged in the business of selling alcoholic beverages to ship an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit. Provides that an in state or out of state vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the Bureau of Alcohol, Tobacco, and Firearms who knowingly ships an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit commits a Class A misdemeanor. Provides that all other persons who knowingly ship an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit commit a Class D felony. Requires the chairman of the alcoholic beverage commission to notify the Bureau of Alcohol, Tobacco, and Firearms in writing and by certified mail of the official determination that state law has been violated and request the bureau
(Continued next page)

Effective: See text of bill.

Tincher, Ayres, Kruse, Stevenson

(SENATE SPONSORS — MEEKS, ALEXA, LANDSKE, DEMPSEY, WOLF)

January 8, 1998, read first time and referred to Committee on Ways and Means.
January 28, 1998, amended, reported — Do Pass.
February 2, 1998, read second time, amended, ordered engrossed.
February 3, 1998, engrossed. Read third time, passed. Yeas 77, nays 20.

SENATE ACTION

February 9, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
February 12, 1998, amended, reported favorably — Do Pass.

EH 1212—LS 6911/DI 73+



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to take appropriate action if the chairman or the attorney general determines that a vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the Bureau of Alcohol, Tobacco, and Firearms has made an illegal shipment of an alcoholic beverage to consumers in Indiana.

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EH 1212—LS 6911/DI 73+



February 13, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

ENGROSSED HOUSE BILL No. 1212

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-5-1-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 9.5. (a) An in state or an out of state vintner, distiller,
4 brewer, rectifier, or importer that holds a basic permit from the
5 federal Bureau of Alcohol, Tobacco, and Firearms who knowingly
6 violates IC 7.1-5-11-1.5 commits a Class A misdemeanor.**
7 (b) A person who is not described in subsection (a) who
8 knowingly violates IC 7.1-5-11-1.5 commits a Class D felony.
9 (c) If the chairman of the alcoholic beverage commission or the
10 attorney general determines that a vintner, distiller, brewer,
11 rectifier, or importer that holds a basic permit from the federal
12 Bureau of Alcohol, Tobacco, and Firearms has made an illegal
13 shipment of an alcoholic beverage to consumers in Indiana, the
14 chairman shall notify the federal Bureau of Alcohol, Tobacco, and
15 Firearms in writing and by certified mail of the official
16 determination that state law has been violated and request the

EH 1212—LS 6911/DI 73+



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1 **federal bureau to take appropriate action.**
2 SECTION 2. IC 7.1-5-11-1.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 1998]: **Sec. 1.5. (a) It is unlawful for a person**
5 **in the business of selling alcoholic beverages in another state or**
6 **country to ship or cause to be shipped an alcoholic beverage**
7 **directly to an Indiana resident who does not hold a valid**
8 **wholesaler permit under this title. This includes the ordering and**
9 **selling of alcoholic beverages over a computer network (as defined**
10 **by IC 35-43-2-3(a)).**
11 (b) Upon a determination by the commission that a person has
12 violated subsection (a), a wholesaler may not accept a shipment of
13 alcoholic beverages from the person for a period of up to one (1)
14 year as determined by the commission.
15 (c) The commission shall adopt rules under IC 4-22-2 to
16 implement this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to House Bill 1212 as introduced.)

BAUER, Chair

Committee Vote: yeas 9, nays 7.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1212 be amended to read as follows:

Page 1, line 3, delete "A person" and insert "**An out of state vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, and Firearms**".

Page 1, line 4, delete "C" and insert "A".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"(b) A person who is not described in subsection (a) who knowingly violates IC 7.1-5-11-1.5 commits a Class D felony.

(c) If the chairman of the alcoholic beverage commission or the attorney general determines that a vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, and Firearms has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall notify the federal bureau in writing and by certified mail of the official determination that state law has been violated and request the federal bureau to take appropriate action."

Page 1, delete lines 5 through 10.

Page 2, line 5, delete "not more than" and insert "**a period of up to**".

Page 2, line 5, after "year" insert "**as determined by the commission**".

Page 2, delete lines 8 through 17.

Re-number all SECTIONS consecutively.

(Reference is to House Bill 1212 as printed January 29, 1998.)

TINCHER

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SENATE MOTION

Mr. President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1212.

MEEKS

SENATE MOTION

Mr. President: I move that Senators Dempsey and Wolf be added as cosponsors of Engrossed House Bill 1212.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "An" insert "**in state or an**".

Page 1, line 14, delete "bureau" and insert "**Bureau of Alcohol, Tobacco, and Firearms**".

and when so amended that said bill do pass.

(Reference is to House Bill 1212 as reprinted February 3, 1998.)

MEEKS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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