

HOUSE BILL No. 1212

DIGEST OF HB 1212 (Updated February 2, 1998 7:27 pm - DI 92)

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 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 to take appropriate action if
(Continued next page)

Effective: See text of bill.

Tincher, Ayres, Kruse, Stevenson

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.

HB 1212—LS 6911/DI 73



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the chairman or the attorney general determinatines 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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Reprinted
February 3, 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.

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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 out of state vintner, distiller, brewer,**
4 **rectifier, or importer that holds a basic permit from the federal**
5 **Bureau of Alcohol, Tobacco, and Firearms who knowingly violates**
6 **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 in writing and by certified**
15 **mail of the official determination that state law has been violated**

HB 1212—LS 6911/DI 73



1 **and request the 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.)

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