
SENATE BILL No. 153

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5.

Synopsis: Direct shipments of alcohol to consumers. Allows adult residents or holders of alcoholic beverage permits in other states that afford equal reciprocal shipping privileges to Indiana residents to ship for personal use and not for resale two cases of wine each year to an adult resident of Indiana. Requires the shipping container to indicate that the package must not be delivered to a person who is under 21 years of age.

Effective: July 1, 2000.

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January 10, 2000, read first time and referred to Committee on Commerce and Consumer Affairs.

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Introduced

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

SENATE BILL No. 153



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 AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9.5. (a) An in state or
3 an out of state vintner, distiller, brewer, rectifier, or importer that holds
4 a basic permit from the federal Bureau of Alcohol, Tobacco, and
5 Firearms ~~who~~ **that** knowingly violates ~~IC 7.1-5-11-1.5~~
6 **IC 7.1-5-11-1.5(a)** commits a Class A misdemeanor.

7 (b) A person who is not described in subsection (a) who knowingly
8 violates ~~IC 7.1-5-11-1.5~~ **IC 7.1-5-11-1.5(a)** 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, rectifier, or
11 importer that holds a basic permit from the federal Bureau of Alcohol,
12 Tobacco, and Firearms has made an illegal shipment of an alcoholic
13 beverage to consumers in Indiana, the chairman shall notify the federal
14 Bureau of Alcohol, Tobacco, and Firearms in writing and by certified
15 mail of the official determination that state law has been violated and
16 request the federal bureau to take appropriate action.

17 SECTION 2. IC 7.1-5-11-1.5 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1.5. (a) **Except as**
2 **provided in subsection (c)**, it is unlawful for a person in the business
3 of selling alcoholic beverages in another state or country to ship or
4 cause to be shipped an alcoholic beverage directly to an Indiana
5 resident who does not hold a valid wholesaler permit under this title.
6 This includes the ordering and selling of alcoholic beverages over a
7 computer network (as defined by IC 35-43-2-3(a)).

8 (b) Upon a determination by the commission that a person has
9 violated subsection (a), a wholesaler may not accept a shipment of
10 alcoholic beverages from the person for a period of up to one (1) year
11 as determined by the commission.

12 (c) **Notwithstanding any other law, an adult resident or holder**
13 **of an alcoholic beverage permit in a state that affords Indiana**
14 **permittees or adult residents an equal reciprocal shipping privilege**
15 **may ship, for personal use and not for resale, not more than two (2)**
16 **cases of wine, each case containing not more than nine (9) liters,**
17 **per year to any adult resident of Indiana. The shipping container**
18 **of any wine sent into or out of Indiana under this subsection must**
19 **be clearly labeled to indicate that the package must not be**
20 **delivered to a person who is under twenty-one (21) years of age.**
21 **Delivery of a shipment under this subsection does not constitute a**
22 **sale in this state.**

23 (d) The commission shall adopt rules under IC 4-22-2 to implement
24 this section.

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