



January 15, 2010

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## SENATE BILL No. 75

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DIGEST OF SB 75 (Updated January 13, 2010 3:42 pm - DI 110)

**Citations Affected:** IC 7.1-3.

**Synopsis:** Sunday carryout by microbreweries. Allows a microbrewery to sell the brewery's beer for carryout on Sunday at the address for which the brewer's permit was issued.

**Effective:** July 1, 2010.

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**Simpson, Alting**

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January 5, 2010, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.  
January 14, 2010, amended, reported favorably — Do Pass.

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SB 75—LS 6087/DI 87+



January 15, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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## SENATE BILL No. 75

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A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

- 1 SECTION 1. IC 7.1-3-2-7, AS AMENDED BY P.L.94-2008,  
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2010]: Sec. 7. The holder of a brewer's permit or an  
4 out-of-state brewer holding either a primary source of supply permit or  
5 an out-of-state brewer's permit may do the following:  
6 (1) Manufacture beer.  
7 (2) Place beer in containers or bottles.  
8 (3) Transport beer.  
9 (4) Sell and deliver beer to a person holding a beer wholesaler's  
10 permit issued under IC 7.1-3-3.  
11 (5) If the brewer's brewery manufactures not more than twenty  
12 thousand (20,000) barrels of beer in a calendar year, do the  
13 following:  
14 (A) Sell and deliver beer to a person holding a retailer or a  
15 dealer permit under this title.  
16 (B) Be the proprietor of a restaurant.  
17 (C) Hold a beer retailer's permit, a wine retailer's permit, or a

SB 75—LS 6087/DI 87+



- 1 liquor retailer's permit for a restaurant established under clause
- 2 (B).
- 3 (D) Transfer beer directly from the brewery to the restaurant
- 4 by means of:
- 5 (i) bulk containers; or
- 6 (ii) a continuous flow system.
- 7 (E) Install a window between the brewery and an adjacent
- 8 restaurant that allows the public and the permittee to view both
- 9 premises.
- 10 (F) Install a doorway or other opening between the brewery
- 11 and an adjacent restaurant that provides the public and the
- 12 permittee with access to both premises.
- 13 (G) Sell the brewery's beer by the glass for consumption on the
- 14 premises. Brewers permitted to sell beer by the glass under
- 15 this clause must furnish the minimum food requirements
- 16 prescribed by the commission.
- 17 (H) Sell and deliver beer to a consumer at the permit premises
- 18 of the brewer or at the residence of the consumer. The delivery
- 19 to a consumer may be made only in a quantity at any one (1)
- 20 time of not more than one-half (1/2) barrel, but the beer may
- 21 be contained in bottles or other permissible containers.
- 22 **(I) Sell the brewery's beer as authorized by this section for**
- 23 **carryout on Sunday in a quantity at any one (1) time of not**
- 24 **more than eight hundred sixty-four (864) ounces. A**
- 25 **brewer's beer may be sold under this clause only at the**
- 26 **address for which the brewer's permit was issued under**
- 27 **this chapter.**
- 28 (6) If the brewer's brewery manufactures more than twenty
- 29 thousand (20,000) barrels of beer in a calendar year, own a
- 30 portion of the corporate stock of another brewery that:
- 31 (A) is located in the same county as the brewer's brewery;
- 32 (B) manufactures less than twenty thousand (20,000) barrels
- 33 of beer in a calendar year; and
- 34 (C) is the proprietor of a restaurant that operates under
- 35 subdivision (5).
- 36 (7) Provide complimentary samples of beer that are:
- 37 (A) produced by the brewer; and
- 38 (B) offered to consumers for consumption on the brewer's
- 39 premises.
- 40 (8) Own a portion of the corporate stock of a sports corporation
- 41 that:
- 42 (A) manages a minor league baseball stadium located in the

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1 same county as the brewer's brewery; and  
2 (B) holds a beer retailer's permit, a wine retailer's permit, or a  
3 liquor retailer's permit for a restaurant located in that stadium.  
4 (9) For beer described in IC 7.1-1-2-3(a)(4):  
5 (A) may allow transportation to and consumption of the beer  
6 on the licensed premises; and  
7 (B) may not sell, offer to sell, or allow sale of the beer on the  
8 licensed premises.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 75, 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 2, line 24, delete "one-quarter (1/4) barrel, but the beer may be" and insert "**eight hundred sixty-four (864) ounces. A brewer's beer may be sold under this clause only at the address for which the brewer's permit was issued under this chapter.**".

Page 2, delete line 25.

and when so amended that said bill do pass.

(Reference is to SB 75 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 2.

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