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# HOUSE BILL No. 1510

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3; IC 7.1-4.

**Synopsis:** Farm winery distiller's permits. Allows a holder of a farm winery brandy distiller's permit to: (1) manufacture, rectify, and bottle liquor; and (2) sell at retail on the permitted premises, by the glass or bottle, or both, liquor that the distiller has manufactured. Renames the permit the farm winery distiller's permit. Makes conforming changes.

**Effective:** July 1, 2011.

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### Clere, Dodge, Welch

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January 20, 2011, read first time and referred to Committee on Public Policy.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1510



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 7.1-3-7.5-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The commission may
- 3 issue a farm winery ~~brandy~~ distiller's permit to a person who:
- 4 (1) holds a farm winery permit under IC 7.1-3-12; and ~~who~~
- 5 (2) desires to commercially manufacture brandy **and liquor**.
- 6 SECTION 2. IC 7.1-3-7.5-3, AS AMENDED BY P.L.165-2006,
- 7 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2011]: Sec. 3. (a) The holder of a farm winery ~~brandy~~
- 9 distiller's permit may do the following:
- 10 (1) Manufacture brandy **and liquor**.
- 11 (2) Rectify brandy **and liquor**.
- 12 (3) Bottle brandy **and liquor**.
- 13 (4) Use brandy that it has manufactured for the purpose of
- 14 producing fortified wine.
- 15 (5) Sell, transport, and deliver brandy that it has manufactured to
- 16 other wineries.
- 17 (6) Sell at retail on the permitted premises to consumers by the



1 glass or by the bottle, or both, brandy **and liquor** that it has  
2 manufactured.

3 (b) Upon the approval of the commission, a holder of a farm winery  
4 **brandy** distiller's permit under this chapter may conduct business at not  
5 more than three (3) additional locations that are separate from the farm  
6 winery **brandy** distillery. At the additional locations, the holder of the  
7 permit may conduct any business that is authorized at the first location,  
8 except for the manufacturing or bottling of brandy **or liquor**.

9 SECTION 3. IC 7.1-3-7.5-4 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. Except as provided  
11 in section 5 of this chapter, the holder of a farm winery **brandy**  
12 distiller's permit may produce not more than **a total of** ten thousand  
13 (10,000) gallons of brandy **and liquor** in a calendar year.

14 SECTION 4. IC 7.1-3-7.5-5 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. Brandy **and liquor**  
16 produced by the holder of a farm winery **brandy** distiller's permit that  
17 is sold through a wholesaler licensed under IC 7.1-3-8 is not counted  
18 toward the gallonage limit established in section 4 of this chapter.

19 SECTION 5. IC 7.1-3-7.5-6 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The holder of a farm  
21 winery **brandy** distiller's permit must pay the appropriate annual license  
22 fee to the commission on the anniversary of the date of the issuance of  
23 the original permit to keep a **brandy** distiller's permit in force.

24 SECTION 6. IC 7.1-3-13-2.5, AS AMENDED BY P.L.165-2006,  
25 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2011]: Sec. 2.5. (a) All premises to be used by an applicant for  
27 a wine wholesaler's permit must be described in the application for the  
28 permit and in the permit, if the permit is issued. A wine wholesaler may  
29 not keep or store wine at any place other than the premises described  
30 in the wine wholesaler's application and permit. A person who holds a  
31 wine wholesaler's permit and who also holds a beer wholesaler's permit  
32 is not disqualified from using multiple premises for the storage of wine  
33 because the person holds a beer wholesaler's permit. The holder of a  
34 wine wholesaler's permit issued under IC 7.1-4-4.1-13(c) may enter  
35 into an agreement to:

36 (1) locate the wine wholesaler's business within the licensed  
37 premises of a farm winery or a farm winery **brandy** distiller; or  
38 (2) use goods and services provided by a farm winery or a farm  
39 winery **brandy** distiller;  
40 or both.

41 (b) A direct wine seller under IC 7.1-3-26 is not considered an  
42 affiliate of a wine wholesaler for purposes of IC 7.1-3-26-7(9) for an

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1 agreement under this section.

2 SECTION 7. IC 7.1-3-26-10, AS ADDED BY P.L.165-2006,  
3 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2011]: Sec. 10. It is unlawful for the holder of a farm winery  
5 brandy distiller's permit to ship or cause to be shipped brandy produced  
6 under this title to a consumer.

7 SECTION 8. IC 7.1-4-4.1-17 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. The annual license  
9 fee for a farm winery brandy distiller's permit is two hundred fifty  
10 dollars (\$250).

11 SECTION 9. IC 7.1-4-7-1, AS AMENDED BY P.L.165-2006,  
12 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2011]: Sec. 1. The chairman shall collect the required annual  
14 license fee paid in connection with the issuance of a brewer's permit,  
15 a beer wholesaler's permit, a temporary beer permit, a dining car permit  
16 of any type, a boat permit of any type, a distiller's permit, a rectifier's  
17 permit, a liquor wholesaler's permit, a vintner's permit, a farm winery  
18 permit, a farm winery brandy distiller's permit, a wine wholesaler's  
19 permit, a wine bottler's permit, a temporary wine permit, a direct wine  
20 seller's permit, a salesman's permit, and a carrier's alcoholic permit.

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