February 14, 2011

SENATE BILL No. 255

DIGEST OF SB 255 (Updated February 11, 2011 3:26 pm - DI 110)

Citations Affected: IC 7.1-3; IC 7.1-5.

Synopsis: Carryout of alcoholic beverages. Allows the holder of a three-way permit issued for a premises within a city market to sell beer and wine for carryout. Excludes certain establishments from the application of a provision that: (1) makes it unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at the brewer's bottling house contiguous or adjacent to the brewery in which the beer was produced; and (2) makes it unlawful for a person to refill a bottle or container, in whole or in part, with an alcoholic beverage or knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage after the container of liquor has been emptied in whole or in part.

Effective: July 1, 2011.

Schneider, Alting, Merritt, Taylor

January 6, 2011, read first time and referred to Committee on Rules and Legislative Procedure.
January 20, 2011, amended; reassigned to Committee on Public Policy.
February 14, 2011, reported favorably — Do Pass.

C o p y

February 14, 2011

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.

C o p y

SENATE BILL No. 255

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:

SECTION 1. IC 7.1-3-20-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. (a) This section applies only to a city market.

(b) As used in this section, "city market" means a marketplace where spaces are leased for a valuable consideration for the purpose of selling and displaying for sale to the general public items or products approved by the City Market Corporation and that has the following characteristics:

(1) The market consists of an area that:

(A) has been redeveloped or renovated in part with grants from the federal, state, or local government; and

(B) is entirely located within a one-half (1/2) mile radius of the center of a consolidated city.

(2) The market consists of a building or group of buildings that:

(A) contains more than ten (10) retailers; and

(B) is constructed in a manner so that the buildings or retail locations can be accessed without going outside the market.

(c) The commission may issue a three-way permit to sell alcoholic beverages for ~~on-premises consumption only~~ **consumption on the licensed premises** to an applicant who is the proprietor, as owner or lessee, or both, of retail space within a city market. **The holder of a permit issued under this section may sell beer and wine for carryout.** The permit may be a single permit even though more than one (1) area constitutes the licensed premises under the permit.

(d) A permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(e) Permits issued under this section may not be transferred to a location outside the city market.

SECTION 2. IC 7.1-5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~Beer Must Be Bottled At Brewery.~~ **(a) This section does not apply to the following:**

(1) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom hold a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(b) It is unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at ~~his~~ **the brewer's** bottling house contiguous or adjacent to the brewery in which the beer was produced.

SECTION 3. IC 7.1-5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a) This section does not apply to the following:**

(1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom hold a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

~~(a)~~ **(b)** It is unlawful for a person to:

(1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or

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(2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

~~(b) The provisions of this section do not apply to the necessary refilling of a container by a person holding a permit that authorizes him to manufacture, rectify, or bottle liquor.~~

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 255, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Public Policy.

(Reference is to SB 255 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 255, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 255 as printed January 21, 2011.)

ALTING, Chairperson

Committee Vote: Yeas 7, Nays 0.

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