

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Public Policy, to which was referred House Bill No. 1132, 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:

- 1 Page 2, between lines 8 and 9, begin a new paragraph and insert:
2 "SECTION 2. IC 7.1-3-2-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Except as
4 provided in subsection (b), the commission may issue a brewer's permit
5 only to:
6 (1) an individual;
7 (2) a partnership, all the partners of which are bona fide residents
8 of Indiana;
9 (3) a limited liability company, all the members of which are bona
10 fide residents of Indiana; or
11 (4) a corporation organized and existing under the laws of Indiana
12 and having authority under its charter to manufacture or sell beer.
13 (b) The commission may issue a brewer's permit to a brewer for a
14 brewery that manufactures not more than ~~twenty~~ **thirty** thousand
15 (~~20,000~~) **(30,000)** barrels of beer in a calendar year to:
16 (1) an individual;
17 (2) a partnership organized and existing under the laws of
18 Indiana;
19 (3) a limited liability company organized and existing under the
20 laws of Indiana; or
21 (4) a corporation organized and existing under the laws of

1 Indiana.

2 SECTION 3. IC 7.1-3-2-7, AS AMENDED BY P.L.10-2010,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 7. The holder of a brewer's permit or an
5 out-of-state brewer holding either a primary source of supply permit or
6 an out-of-state brewer's permit may do the following:

- 7 (1) Manufacture beer.
- 8 (2) Place beer in containers or bottles.
- 9 (3) Transport beer.
- 10 (4) Sell and deliver beer to a person holding a beer wholesaler's
11 permit issued under IC 7.1-3-3.
- 12 (5) If the brewer's brewery manufactures not more than ~~twenty~~
13 **thirty thousand (20,000) (30,000)** barrels of beer in a calendar
14 year, do the following:
- 15 (A) Sell and deliver beer to a person holding a retailer or a
16 dealer permit under this title.
- 17 (B) Be the proprietor of a restaurant.
- 18 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
19 liquor retailer's permit for a restaurant established under clause
20 (B).
- 21 (D) Transfer beer directly from the brewery to the restaurant
22 by means of:
- 23 (i) bulk containers; or
- 24 (ii) a continuous flow system.
- 25 (E) Install a window between the brewery and an adjacent
26 restaurant that allows the public and the permittee to view both
27 premises.
- 28 (F) Install a doorway or other opening between the brewery
29 and an adjacent restaurant that provides the public and the
30 permittee with access to both premises.
- 31 (G) Sell the brewery's beer by the glass for consumption on the
32 premises. Brewers permitted to sell beer by the glass under
33 this clause must furnish the minimum food requirements
34 prescribed by the commission.
- 35 (H) Sell and deliver beer to a consumer at the permit premises
36 of the brewer or at the residence of the consumer. The delivery
37 to a consumer may be made only in a quantity at any one (1)
38 time of not more than one-half (1/2) barrel, but the beer may
39 be contained in bottles or other permissible containers.
- 40 (I) Sell the brewery's beer as authorized by this section for
41 carryout on Sunday in a quantity at any one (1) time of not
42 more than five hundred seventy-six (576) ounces. A brewer's

- 1 beer may be sold under this clause only at the address for
 2 which the brewer's permit was issued under this chapter.
- 3 (6) If the brewer's brewery manufactures more than **twenty thirty**
 4 thousand ~~(20,000)~~ **(30,000)** barrels of beer in a calendar year, own
 5 a portion of the corporate stock of another brewery that:
- 6 (A) is located in the same county as the brewer's brewery;
 7 (B) manufactures less than **twenty thirty** thousand ~~(20,000)~~
 8 **(30,000)** barrels of beer in a calendar year; and
 9 (C) is the proprietor of a restaurant that operates under
 10 subdivision (5).
- 11 (7) Provide complimentary samples of beer that are:
- 12 (A) produced by the brewer; and
 13 (B) offered to consumers for consumption on the brewer's
 14 premises.
- 15 (8) Own a portion of the corporate stock of a sports corporation
 16 that:
- 17 (A) manages a minor league baseball stadium located in the
 18 same county as the brewer's brewery; and
 19 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 20 liquor retailer's permit for a restaurant located in that stadium.
- 21 (9) For beer described in IC 7.1-1-2-3(a)(4):
- 22 (A) may allow transportation to and consumption of the beer
 23 on the licensed premises; and
 24 (B) may not sell, offer to sell, or allow sale of the beer on the
 25 licensed premises."

26 Page 3, between lines 32 and 33, begin a new paragraph and insert:

27 "SECTION 6. IC 7.1-3-22-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This section
 29 applies to a brewer that manufactures more than **twenty thirty**
 30 thousand ~~(20,000)~~ **(30,000)** barrels of beer in a calendar year.

31 (b) The commission may issue and have outstanding only one (1)
 32 brewer's permit for each unit of population of this state of one hundred
 33 and seventy-five thousand (175,000) or major fraction thereof. The
 34 commission, however, shall not issue more than four (4) brewer's
 35 permits in the same congressional district.

36 SECTION 7. IC 7.1-3-23-23 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. (a) This section
 38 applies to a brewer that manufactures more than **twenty thirty**
 39 thousand ~~(20,000)~~ **(30,000)** barrels of beer in a calendar year.

40 (b) The commission shall revoke the permit of a brewer or beer
 41 wholesaler who holds an interest in another permit in violation of
 42 IC 7.1-5-9-3."

1 Page 5, after line 38, begin a new paragraph and insert:

2 "SECTION 10. IC 7.1-4-4.1-14 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) This section
4 applies to the following permits:

5 (1) Brewer's permit for the manufacture of more than ~~twenty~~
6 **thirty** thousand (~~20,000~~) (**30,000**) barrels of beer in a calendar
7 year.

8 (2) Distiller's permit.

9 (3) Malt manufacturer's permit.

10 (4) Rectifier's permit.

11 (5) Vintner's permit.

12 (6) Wine bottler's permit.

13 (b) A permit fee of two thousand dollars (\$2,000) is annually
14 imposed for the issuance of each permit described in subsection (a).

15 SECTION 11. IC 7.1-4-4.1-16 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. The annual fee for
17 a brewer's permit for the manufacture of not more than ~~twenty~~ **thirty**
18 thousand (~~20,000~~) (**30,000**) barrels of beer in a calendar year is five
19 hundred dollars (\$500).

20 SECTION 12. IC 7.1-5-9-3 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) This section
22 applies to a brewer that manufactures more than ~~twenty~~ **thirty**
23 thousand (~~20,000~~) (**30,000**) barrels of beer in a calendar year.

24 (b) It is unlawful for the holder of a brewer's or beer wholesaler's
25 permit to have an interest in a liquor permit of any type under this title.

26 SECTION 13. IC 7.1-5-9-10 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) Except as
28 provided in subsection (b), it is unlawful for a holder of a retailer's
29 permit of any type to acquire, hold, own, or possess an interest of any
30 type in a manufacturer's or wholesaler's permit of any type.

31 (b) It is lawful for a holder of a retailer's permit of any type to
32 acquire, hold, own, or possess an interest of any type in a brewer's

- 1 permit for a brewery that manufactures not more than **twenty thirty**
- 2 thousand ~~(20,000)~~ **(30,000)** barrels of beer in a calendar year."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1132 as printed February 18, 2011.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

