

SENATE BILL No. 106

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-5-3; IC 7.1-5-10-11.

Synopsis: Cold beer sales. Allows a holder of a beer dealer's permit issued to a grocery store or drug store to sell and deliver cold beer that was manufactured in Indiana by a microbrewery in a quantity that does not exceed 864 ounces in a single transaction.

Effective: July 1, 2012.

Boots

January 4, 2012, read first time and referred to Committee on Public Policy.

C
o
p
y



Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C
O
P
Y

SENATE BILL No. 106



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 7.1-3-5-3 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The holder of a
- 3 beer dealer's permit shall be entitled to purchase beer for sale under the
- 4 permit only from a permittee entitled to sell to a beer dealer under this
- 5 title.
- 6 (b) A beer dealer shall be entitled to possess beer and sell it at retail
- 7 to a customer in permissible containers only.
- 8 (c) A beer dealer may not sell beer by the drink nor for consumption
- 9 on the licensed premises nor shall a beer dealer allow it to be consumed
- 10 on the licensed premises.
- 11 (d) Except as provided in subsection (e), a beer dealer shall be
- 12 entitled to sell beer to a customer and deliver it in permissible
- 13 containers to the customer on the licensed premises, or to the
- 14 customer's residence or office. A beer dealer shall not be entitled to sell
- 15 and deliver beer on the street or at the curb outside the licensed
- 16 premises, nor shall a beer dealer be entitled to sell beer at a place other
- 17 than the licensed premises. A beer dealer shall not be entitled to sell



1 beer and deliver beer for carry-out, or for delivery to a customer's
 2 residence or office, in a quantity that exceeds eight hundred sixty-four
 3 (864) ounces in a single transaction. However, ~~notwithstanding~~
 4 ~~IC 7.1-5-10-11~~, a beer dealer who is licensed pursuant to IC 7.1-3-10-4
 5 shall be entitled to sell and deliver warm or cold beer for carry-out, or
 6 for delivery to a customer's residence, office, or a designated location
 7 in barrels or other commercial containers that do not exceed two
 8 thousand sixteen (2,016) ounces per container. This delivery may only
 9 be performed by the permit holder or an employee who holds an
 10 employee permit. The permit holder shall maintain a written record of
 11 each delivery for at least one (1) year that shows the customer's name,
 12 location of delivery, and quantity sold.

13 (e) Unless a beer dealer is a grocery store or drug store, a beer
 14 dealer may not sell or deliver alcoholic beverages or any other item
 15 through a window in the licensed premises to a patron who is outside
 16 the licensed premises. A beer dealer that is a grocery store or drug store
 17 may sell any item except alcoholic beverages through a window in the
 18 licensed premises to a patron who is outside the licensed premises.

19 **(f) The holder of a beer dealer's permit issued to a grocery store**
 20 **or drug store may sell and deliver cold beer that was manufactured**
 21 **in Indiana by a brewery described in IC 7.1-3-2-7(5) to customers**
 22 **for carry-out or for delivery to a customer's residence or office in**
 23 **a quantity that does not exceed eight hundred sixty-four (864)**
 24 **ounces in a single transaction.**

25 SECTION 2. IC 7.1-5-10-11 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. ~~Sale of Cold Beer~~
 27 ~~Prohibited.~~ **Except as provided under IC 7.1-3-5-3(d) and**
 28 **IC 7.1-3-5-3(f),** it is unlawful for the holder of a beer dealer's permit
 29 to offer or display for sale, or sell, barter, exchange or give away a
 30 bottle, can, container, or package of beer that was iced or cooled by the
 31 permittee before or at the time of the sale, exchange, or gift.

C
o
p
y

