

# SENATE BILL No. 100

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3-2-7; IC 7.1-5-3-4.

**Synopsis:** Sale of microbrewery beer at farmers' markets. Allows a small brewer to sell the brewer's beer to consumers for carryout at a farmers' market that is operated on a nonprofit basis, in a quantity of not more than 576 ounces per consumer at any one time. Provides that the sale may not be made on Sunday. Allows a brewer selling beer at a farmers' market to refill a container for carryout.

**Effective:** July 1, 2013.

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## Banks, Alting

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January 7, 2013, read first time and referred to Committee on Public Policy.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 100



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.71-2012,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: 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 thirty
- 12 thousand (30,000) barrels of beer in a calendar year for sale or
- 13 distribution within Indiana, the permit holder may do the
- 14 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.



- 1 (C) Hold a beer retailer's permit, a wine retailer's permit, or a  
 2 liquor retailer's permit for a restaurant established under clause  
 3 (B).  
 4 (D) Transfer beer directly from the brewery to the restaurant  
 5 by means of:  
 6 (i) bulk containers; or  
 7 (ii) a continuous flow system.  
 8 (E) Install a window between the brewery and an adjacent  
 9 restaurant that allows the public and the permittee to view both  
 10 premises.  
 11 (F) Install a doorway or other opening between the brewery  
 12 and an adjacent restaurant that provides the public and the  
 13 permittee with access to both premises.  
 14 (G) Sell the brewery's beer by the glass for consumption on the  
 15 premises. Brewers permitted to sell beer by the glass under  
 16 this clause must furnish the minimum food requirements  
 17 prescribed by the commission.  
 18 (H) Sell and deliver beer to a consumer at the permit premises  
 19 of the brewer or at the residence of the consumer. The delivery  
 20 to a consumer may be made only in a quantity at any one (1)  
 21 time of not more than one-half (1/2) barrel, but the beer may  
 22 be contained in bottles or other permissible containers.  
 23 (I) Sell the brewery's beer as authorized by this section for  
 24 carryout on Sunday in a quantity at any one (1) time of not  
 25 more than five hundred seventy-six (576) ounces. A brewer's  
 26 beer may be sold under this clause at any address for which the  
 27 brewer holds a brewer's permit issued under this chapter if the  
 28 address is located within the same city boundaries in which the  
 29 beer was manufactured.  
 30 **(J) Sell the brewer's beer to consumers for carryout at a**  
 31 **farmers' market that is operated on a nonprofit basis. The**  
 32 **delivery to a consumer may be made only in a quantity of**  
 33 **not more than five hundred seventy-six (576) ounces at any**  
 34 **one (1) time, but the beer may be contained in bottles or**  
 35 **other permissible containers. A sale to a consumer under**  
 36 **this clause may not be made on Sunday.**  
 37 (6) If the brewer's brewery manufactures more than thirty  
 38 thousand (30,000) barrels of beer in a calendar year for sale or  
 39 distribution within Indiana, the permit holder may own a portion  
 40 of the corporate stock of another brewery that:  
 41 (A) is located in the same county as the brewer's brewery;  
 42 (B) manufactures less than thirty thousand (30,000) barrels of

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- 1 beer in a calendar year; and
- 2 (C) is the proprietor of a restaurant that operates under
- 3 subdivision (5).
- 4 (7) Provide complimentary samples of beer that are:
- 5 (A) produced by the brewer; and
- 6 (B) offered to consumers for consumption on the brewer's
- 7 premises.
- 8 (8) Own a portion of the corporate stock of a sports corporation
- 9 that:
- 10 (A) manages a minor league baseball stadium located in the
- 11 same county as the brewer's brewery; and
- 12 (B) holds a beer retailer's permit, a wine retailer's permit, or a
- 13 liquor retailer's permit for a restaurant located in that stadium.
- 14 (9) For beer described in IC 7.1-1-2-3(a)(4):
- 15 (A) may allow transportation to and consumption of the beer
- 16 on the licensed premises; and
- 17 (B) may not sell, offer to sell, or allow sale of the beer on the
- 18 licensed premises.
- 19 SECTION 2. IC 7.1-5-3-4, AS AMENDED BY P.L.6-2012,
- 20 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2013]: Sec. 4. (a) This section does not apply to the following:
- 22 (1) The necessary refilling of a container by a person holding a
- 23 permit that authorizes the person to manufacture, rectify, or bottle
- 24 liquor.
- 25 (2) An establishment where alcoholic beverages are sold that is
- 26 owned, in whole or part, by an entity that holds a brewer's permit
- 27 for a brewery described under IC 7.1-3-2-7(5).
- 28 **(3) An entity that sells beer at a farmers' market under**
- 29 **IC 7.1-3-2-7(5)(J).**
- 30 ~~(3)~~ **(4)** An establishment where alcoholic beverages are sold that
- 31 is owned, in whole or part, by a statewide trade organization
- 32 consisting of members, each of whom holds a brewer's permit for
- 33 a brewery described under IC 7.1-3-2-7(5).
- 34 (b) It is unlawful for a person to:
- 35 (1) refill a bottle or container, in whole or in part, with an
- 36 alcoholic beverage; or
- 37 (2) knowingly possess a bottle or container that has been refilled,
- 38 in whole or in part, with an alcoholic beverage;
- 39 after the container of liquor has been emptied in whole or in part.

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