

SENATE BILL No. 231

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3.

Synopsis: Sale of cold microbrewery beer. Makes an exception to the law prohibiting the sale of cold beer by allowing a microbrewer to determine the temperature range at which a wholesaler, dealer, or retailer may store and sell the beer manufactured by the microbrewer, and allowing a holder of a beer dealer's permit to sell and deliver cold beer manufactured by a microbrewery if necessary to meet the microbrewer's storage and sale temperature requirements.

Effective: July 1, 2013.

Boots

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

C
o
p
y



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.

C
o
p
y

SENATE BILL No. 231



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) Determine the temperature range at which a beer**
 31 **wholesaler, dealer, or retailer may store and sell beer**
 32 **manufactured by the brewer.**
 33 (6) If the brewer's brewery manufactures more than thirty
 34 thousand (30,000) barrels of beer in a calendar year for sale or
 35 distribution within Indiana, the permit holder may own a portion
 36 of the corporate stock of another brewery that:
 37 (A) is located in the same county as the brewer's brewery;
 38 (B) manufactures less than thirty thousand (30,000) barrels of
 39 beer in a calendar year; and
 40 (C) is the proprietor of a restaurant that operates under
 41 subdivision (5).
 42 (7) Provide complimentary samples of beer that are:

C
o
p
y

- 1 (A) produced by the brewer; and
- 2 (B) offered to consumers for consumption on the brewer's
- 3 premises.
- 4 (8) Own a portion of the corporate stock of a sports corporation
- 5 that:
- 6 (A) manages a minor league baseball stadium located in the
- 7 same county as the brewer's brewery; and
- 8 (B) holds a beer retailer's permit, a wine retailer's permit, or a
- 9 liquor retailer's permit for a restaurant located in that stadium.
- 10 (9) For beer described in IC 7.1-1-2-3(a)(4):
- 11 (A) may allow transportation to and consumption of the beer
- 12 on the licensed premises; and
- 13 (B) may not sell, offer to sell, or allow sale of the beer on the
- 14 licensed premises.

15 SECTION 2. IC 7.1-3-5-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The holder of a
 17 beer dealer's permit shall be entitled to purchase beer for sale under the
 18 permit only from a permittee entitled to sell to a beer dealer under this
 19 title.

20 (b) A beer dealer shall be entitled to possess beer and sell it at retail
 21 to a customer in permissible containers only.

22 (c) A beer dealer may not sell beer by the drink nor for consumption
 23 on the licensed premises nor shall a beer dealer allow it to be consumed
 24 on the licensed premises.

25 (d) Except as provided in subsection (e), a beer dealer shall be
 26 entitled to sell beer to a customer and deliver it in permissible
 27 containers to the customer on the licensed premises, or to the
 28 customer's residence or office. A beer dealer shall not be entitled to sell
 29 and deliver beer on the street or at the curb outside the licensed
 30 premises, nor shall a beer dealer be entitled to sell beer at a place other
 31 than the licensed premises. A beer dealer shall not be entitled to sell
 32 beer and deliver beer for carry-out, or for delivery to a customer's
 33 residence or office, in a quantity that exceeds eight hundred sixty-four
 34 (864) ounces in a single transaction. However, notwithstanding
 35 IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4
 36 shall be entitled to sell and deliver warm or cold beer for carry-out, or
 37 for delivery to a customer's residence, office, or a designated location
 38 in barrels or other commercial containers that do not exceed two
 39 thousand sixteen (2,016) ounces per container. This delivery may only
 40 be performed by the permit holder or an employee who holds an
 41 employee permit. The permit holder shall maintain a written record of
 42 each delivery for at least one (1) year that shows the customer's name,

COPY



1 location of delivery, and quantity sold.
2 (e) Unless a beer dealer is a grocery store or drug store, a beer
3 dealer may not sell or deliver alcoholic beverages or any other item
4 through a window in the licensed premises to a patron who is outside
5 the licensed premises. A beer dealer that is a grocery store or drug store
6 may sell any item except alcoholic beverages through a window in the
7 licensed premises to a patron who is outside the licensed premises.
8 (f) **Notwithstanding IC 7.1-5-10-11, the holder of a beer dealer's**
9 **permit may, if necessary to meet a brewer's preferred temperature**
10 **determination under IC 7.1-3-2-7(5)(J), sell and deliver cold beer**
11 **manufactured by the brewer to customers for carry-out or for**
12 **delivery to a customer's residence or office.**

C
o
p
y

