

Document: Proposed Rule, **Register Page Number:** 26 IR 2128

Source: March 1, 2003, Indiana Register, Volume 26, Number 6

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TITLE 905 ALCOHOL AND TOBACCO COMMISSION

NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.

Proposed Rule LSA Document #02-338

DIGEST

Adds 905 IAC 1-45 to establish rules regulating tracking of beer kegs under IC 7.1-3-6.5. This rule would provide definitions and procedures to implement said statutes. Effective 30 days after filing with the secretary of state.

905 IAC 1-45

SECTION 1. 905 IAC 1-45 IS ADDED TO READ AS FOLLOWS:

Rule 45. Tracking Beer Kegs

905 IAC 1-45-1 Definitions

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-1-3-30; IC 7.1-2-1-1; IC 7.1-2-3-9

Sec. 1. (a) The following definitions apply throughout this rule:

- (1) "Commission" means the alcohol and tobacco commission, created pursuant to IC 7.1-2-1-1.**
- (2) "Keg" means a brewery sealed individual container of beer:**
 - (A) destined for retail sale; and**
 - (B) having the liquid capacity of at least seven and three-fourths (7³/₄) gallons.**
- (3) "Permittee" means a person who holds a permit issued by the commission pursuant to IC 7.1-2-3-9.**
- (4) "Person" means a person who is not a permittee as defined in IC 7.1-1-3-30.**

(Alcohol and Tobacco Commission; 905 IAC 1-45-1)

905 IAC 1-45-2 Identification markers

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 2. The commission shall prescribe the form of the identification marker required by IC 7.1-3-6.5. The marker must:

- (1) enable the identification and tracking of the seller of the keg;**
- (2) be removable or reusable only when the keg is returned to the wholesaler or brewer for refilling;**
- (3) contain:**
 - (A) the name, address, and commission permit number of the commission retail or dealer permittee who sold the keg;**
 - (B) the manufacturer's identification number on the keg itself;**
 - (C) the name of the clerk making the sale;**
 - (D) the name, address, and date of birth of the purchaser;**
 - (E) the type of identification card and identification number used to verify the data required by clause (D); and**
 - (F) the dated signature of the purchaser;**
- (4) be attached to the keg by a material that once removed by a person cannot be reattached to the keg in a manner that could conceal the prior removal; and**

(5) be in a form approved by and purchased from the commission.
(Alcohol and Tobacco Commission; 905 IAC 1-45-2)

905 IAC 1-45-3 Receipt for the keg

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 3. A permittee shall require that a person who purchases a keg for consumption at a place other than a commission-licensed premises sign a receipt for the keg. The commission shall prescribe a form for the receipt. The receipt must contain the following information:

- (1) The date of the sale of the keg.**
- (2) The size of the keg in gallons.**
- (3) The identification number on the keg itself.**
- (4) The name, residence address, and date of birth of the purchaser.**
- (5) A description of the form of identification presented by the purchaser.**

(Alcohol and Tobacco Commission; 905 IAC 1-45-3)

905 IAC 1-45-4 Keeping registration

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 4. A permittee shall retain a copy of the keg registration for a period of at least two (2) years from the date of purchase of the keg. *(Alcohol and Tobacco Commission; 905 IAC 1-45-4)*

905 IAC 1-45-5 Removal of identification marker prohibited

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 5. A permittee, other than a wholesaler or brewer, shall not remove an identification marker placed on a keg pursuant to this rule. *(Alcohol and Tobacco Commission; 905 IAC 1-45-5)*

905 IAC 1-45-6 Penalties

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 6. (a) A permittee who, at the time of sale of a keg, fails to:

- (1) place an identification marker on the keg; and**
- (2) obtain a signed receipt from the purchaser;**

may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law.

(b) A permittee, other than a wholesaler or brewer, who removes an identification marker in violation of this rule, may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law. *(Alcohol and Tobacco Commission; 905 IAC 1-45-6)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 24, 2003 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on proposed new rules to establish the procedures for tracking of beer kegs for off-premises use. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mary L. DePrez

Chairperson
Alcohol and Tobacco Commission