

IC 7.1-3-12

Chapter 12. Vintners' and Farm Winery Permits

IC 7.1-3-12-1

Application

Sec. 1. Application. The commission may issue a vintner's permit to a person who desires to commercially manufacture wine.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-12-2

Scope of permit

Sec. 2. Scope of Permit. The holder of a vintner's permit is entitled to manufacture wine and to bottle it or place it in other containers. He also is entitled to transport wine and either to sell it, or deliver it, or both, in shipments to points outside this state, and to a wine wholesaler, and to another vintner. A vintner is not entitled to rectify or fortify wine unless he is also the holder of either a distiller's permit, or a rectifier's permit, or both. A vintner is not entitled to sell to a consumer or to a permittee who sells wine at retail. A vintner is entitled to advertise the name and address of any retailer or dealer who sells wine produced by his winery.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.71, SEC.1.)

IC 7.1-3-12-3

Farm winery permit

Sec. 3. The commission may issue a farm winery permit to a person who:

- (1) is the proprietor of a farm winery;
- (2) desires to commercially manufacture wine; and
- (3) is either:
 - (A) an individual; or
 - (B) a partnership, limited liability company, or corporation domiciled in or admitted to do business in Indiana.

A farm winery permit shall be valid from July 1, of the then current year to June 30, of the following year. IC 7.1-3-21-5 does not apply to a farm winery permit issued under this chapter.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.36-1999, SEC.1; P.L.201-1999, SEC.2; P.L.14-2000, SEC.24; P.L.165-2006, SEC.21.

IC 7.1-3-12-4

Farm winery; general requirements

Sec. 4. In order to be considered a "farm winery" within the meaning of this title and to be eligible to receive a farm winery permit, a wine-making establishment shall not annually sell more than one million (1,000,000) gallons of wine in Indiana, excluding wine shipped to an out-of-state address.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1977, P.L.93, SEC.1; Acts 1978, P.L.53, SEC.1; P.L.201-1999, SEC.3; P.L.165-2006, SEC.22; P.L.54-2008, SEC.2.

IC 7.1-3-12-5

Scope of farm winery permit

Sec. 5. (a) The holder of a farm winery permit:

- (1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;
- (2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:
 - (A) holds an employee permit under IC 7.1-3-18-9; and
 - (B) completes a server training program approved by the commission;
- (3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;
- (4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;
- (5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at wholesale;
- (6) is exempt from the provisions of IC 7.1-3-14;
- (7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;
- (8) for wine described in IC 7.1-1-2-3(a)(4):
 - (A) may allow transportation to and consumption of the wine on the licensed premises; and
 - (B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;
- (9) is entitled to purchase and sell bulk wine as set forth in this chapter;
- (10) is entitled to sell wine as authorized by this section for carryout on Sunday; and
- (11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may, individually or with other permit holders under this chapter, participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.71, SEC.2.) As amended by P.L.85-1985, SEC.7; P.L.74-1996, SEC.1;

*P.L.201-1999, SEC.4; P.L.177-1999, SEC.7; P.L.235-2001, SEC.2;
P.L.41-2002, SEC.2; P.L.224-2005, SEC.7; P.L.165-2006, SEC.23;
P.L.186-2011, SEC.4.*

IC 7.1-3-12-6

Repealed

(Repealed by P.L.165-2006, SEC.41.)

IC 7.1-3-12-7

Bulk wine purchases by farm winery

Sec. 7. (a) Except as provided in subsection (b), a farm winery may purchase annually a quantity of bulk wine that does not exceed the greater of the following:

- (1) Five thousand five hundred (5,500) gallons.
- (2) Fifty percent (50%) of the quantity of wine produced by fermentation by the winery during the previous year.

(b) This subsection applies to a farm winery that suffers a loss of wine inventory due to natural or manmade disaster. If the farm winery documents the inventory loss and obtains permission from the commission, the winery may purchase a quantity of bulk wine not greater than the sum of the following:

- (1) The quantity of the winery's wine inventory loss.
- (2) The quantity of bulk wine that may be purchased by the farm winery annually under subsection (a).

As added by P.L.41-2002, SEC.3.