
HOUSE BILL No. 1040

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-5-9.5.

Synopsis: Alcoholic beverage exclusive territories. Makes it a Class B misdemeanor for a person who is a producer, an importer, or a wholesaler of alcoholic beverages to do any of the following: (1) Require an alcoholic beverages permittee to purchase all or specific types of alcoholic beverages only from the person. (2) Establish a quota of alcoholic beverages to be taken or sold by the permittee to induce the permittee to purchase only from the person. (3) Restrict the geographic area in which the person's alcoholic beverages may be sold, or sell only to certain permittees within a geographic area.

Effective: July 1, 2002.

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January 8, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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HOUSE BILL No. 1040



A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-5-5-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 9.5. (a) This section applies to:**
4 **(1) a person engaged in business as:**
5 **(A) a brewer;**
6 **(B) a distiller;**
7 **(C) an importer;**
8 **(D) a producer;**
9 **(E) a rectifier;**
10 **(F) a vintner; or**
11 **(G) a wholesaler;**
12 **of beer, liquor, malt beverages, or wine; or**
13 **(2) an affiliate of a person described in subdivision (1).**
14 **(b) After June 30, 2002, it is unlawful for a person described in**
15 **subsection (a) to directly or indirectly do any of the following:**
16 **(1) Require a permittee who is authorized to purchase**
17 **alcoholic beverages from the person to purchase all or specific**



1 types of alcoholic beverages only from the person.
2 (2) Induce a permittee to purchase all or specific types of
3 alcoholic beverages only from the person by requiring the
4 permittee to take and dispose of a certain quantity or quota of
5 alcoholic beverages.
6 (3) Restrict, by agreement or otherwise, the sale or resale of
7 alcoholic beverages to a given geographical area or to certain
8 permittees within a given geographical area. This subdivision
9 does not prohibit the designation of an area of primary
10 responsibility. However, efforts to restrict sales to only the
11 designated area of primary responsibility are prohibited.

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