

HOUSE BILL No. 1354

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-2-7.

Synopsis: Small breweries. Allows small brewers to participate in a trade show or an exposition at which products of each small brewer participant are displayed, promoted, and sold. Provides that the approval of the alcohol and tobacco commission is required for a small brewer to participate and each small brewer's participation is limited to not more than 45 days in a calendar year. Allows a small brewer to sell the brewery's beer to consumers for carryout by means of a glass container or can at a farmers' market that is operated on a nonprofit basis.

Effective: July 1, 2012.

Sullivan, DeLaney, Clere

January 11, 2012, read first time and referred to Committee on Public Policy.

C
O
P
Y



Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1354



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.186-2011,
- 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: 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, do the
- 13 following:
- 14 (A) Sell and deliver beer to a person holding a retailer or a
- 15 dealer permit under this title.
- 16 (B) Be the proprietor of a restaurant.
- 17 (C) Hold a beer retailer's permit, a wine retailer's permit, or a



- 1 liquor retailer's permit for a restaurant established under clause
 2 (B).
 3 (D) Transfer beer directly from the brewery to the restaurant
 4 by means of:
 5 (i) bulk containers; or
 6 (ii) a continuous flow system.
 7 (E) Install a window between the brewery and an adjacent
 8 restaurant that allows the public and the permittee to view both
 9 premises.
 10 (F) Install a doorway or other opening between the brewery
 11 and an adjacent restaurant that provides the public and the
 12 permittee with access to both premises.
 13 (G) Sell the brewery's beer by the glass for consumption on the
 14 premises. Brewers permitted to sell beer by the glass under
 15 this clause must furnish the minimum food requirements
 16 prescribed by the commission.
 17 (H) Sell and deliver beer to a consumer at the permit premises
 18 of the brewer or at the residence of the consumer. The delivery
 19 to a consumer may be made only in a quantity at any one (1)
 20 time of not more than one-half (1/2) barrel, but the beer may
 21 be contained in bottles or other permissible containers.
 22 (I) Sell the brewery's beer as authorized by this section for
 23 carryout on Sunday in a quantity at any one (1) time of not
 24 more than five hundred seventy-six (576) ounces. A brewer's
 25 beer may be sold under this clause only at the address for
 26 which the brewer's permit was issued under this chapter.
 27 **(J) With the approval of the commission, individually or**
 28 **with other brewers subject to this clause, participate in a**
 29 **trade show or an exposition at which products of each**
 30 **brewer participant are displayed, promoted, and sold. The**
 31 **commission may not grant approval under this clause to a**
 32 **brewer for more than forty-five (45) days in a calendar**
 33 **year.**
 34 **(K) Sell the brewery's beer to consumers for carryout by**
 35 **means of a glass container or can at a farmers' market that**
 36 **is operated on a nonprofit basis.**
 37 (6) If the brewer's brewery manufactures more than thirty
 38 thousand (30,000) barrels of beer in a calendar year, own a
 39 portion of the corporate stock of another brewery that:
 40 (A) is located in the same county as the brewer's brewery;
 41 (B) manufactures less than thirty thousand (30,000) barrels of
 42 beer in a calendar year; and

C
o
p
y

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

C
o
p
y

