

HOUSE BILL No. 1076

DIGEST OF INTRODUCED BILL

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

Synopsis: Microbreweries. Provides that the alcohol and tobacco commission may not require a microbrewery that sells beer by the glass to furnish food.

Effective: July 1, 2015.

Nisly

January 6, 2015, read first time and referred to Committee on Public Policy.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1076

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, 2015]: 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



- 1 dealer permit under this title.
- 2 (B) Be the proprietor of a restaurant.
- 3 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
- 4 liquor retailer's permit for a restaurant established under clause
- 5 (B).
- 6 (D) Transfer beer directly from the brewery to the restaurant
- 7 by means of:
- 8 (i) bulk containers; or
- 9 (ii) a continuous flow system.
- 10 (E) Install a window between the brewery and an adjacent
- 11 restaurant that allows the public and the permittee to view both
- 12 premises.
- 13 (F) Install a doorway or other opening between the brewery
- 14 and an adjacent restaurant that provides the public and the
- 15 permittee with access to both premises.
- 16 (G) Sell the brewery's beer by the glass for consumption on the
- 17 premises. Brewers permitted to sell beer by the glass under
- 18 this clause ~~must~~ **may not be required by the commission to**
- 19 ~~furnish the minimum food requirements prescribed by the~~
- 20 ~~commission.~~
- 21 (H) Sell and deliver beer to a consumer at the permit premises
- 22 of the brewer or at the residence of the consumer. The delivery
- 23 to a consumer may be made only in a quantity at any one (1)
- 24 time of not more than one-half (1/2) barrel, but the beer may
- 25 be contained in bottles or other permissible containers.
- 26 (I) Sell the brewery's beer as authorized by this section for
- 27 carryout on Sunday in a quantity at any one (1) time of not
- 28 more than five hundred seventy-six (576) ounces. A brewer's
- 29 beer may be sold under this clause at any address for which the
- 30 brewer holds a brewer's permit issued under this chapter if the
- 31 address is located within the same city boundaries in which the
- 32 beer was manufactured.
- 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:



- 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.

