

HOUSE BILL No. 1079

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-21-11.

Synopsis: Microbrewery location near school or church. Allows a microbrewery to locate within 200 feet of a school or church if the school or church does not object. Makes a technical correction.

Effective: July 1, 2020.

Barrett

January 7, 2020, read first time and referred to Committee on Public Policy.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1079

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 7.1-3-21-11, AS AMENDED BY P.L.285-2019,
2 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 11. **(a) As used in this section, "brewery"**
4 **means a brewery under IC 7.1-3-2-7(5), including a brewery that**
5 **has been issued a retailer's permit.**

6 ~~(a)~~ **(b)** As used in this section, "wall" means a wall of a building.
7 The term does not include a boundary wall.

8 ~~(b)~~ **(c)** Except as provided in subsections ~~(c)~~, ~~(g)~~, and ~~(h)~~, **(d)**, **(h)**,
9 **and (i)**, the commission may not issue a permit for a premises if a wall
10 of the premises is situated within two hundred (200) feet from a wall
11 of a school or church, if no permit has been issued for the premises
12 under the provisions of Acts 1933, Chapter 80.

13 ~~(c)~~ **(d)** This section does not apply to the premises of a:

14 (1) grocery store, drug store, restaurant, hotel, catering hall,
15 **brewery**, or location for which the use of a supplemental catering
16 permit has been approved if:

17 (A) a wall of the premises is situated within two hundred (200)



feet from a wall of a church or school;

(B) the commission receives a written statement from the authorized representative of the church or school stating expressly that the church or school does not object to the issuance of the permit for the premises; and

(C) the commission determines that the church or school does not object to the issuance of the permit for the premises; or

(2) church or school that applies for a temporary beer or wine permit.

~~(d)~~ (e) The commission shall base its determination under subsection ~~(e)(1)(C)~~ **(d)(1)(C)** solely on the written statement of the authorized representative of the church or school.

~~(e)~~ (f) If the commission does not receive the written statement of the authorized representative of the church or school, the premises of the grocery store, drug store, restaurant, hotel, catering hall, **brewery**, or location for which the use of a supplemental catering permit has been approved may not obtain the waiver allowed under this section.

~~(f)~~ (g) If the commission determines that the church or school does not object, this section and ~~IC 7-1-3-21-10~~ **section 10 of this chapter** do not apply to the permit premises of the grocery store, drug store, restaurant, hotel, **brewery**, or catering hall on a subsequent renewal or transfer of ownership.

~~(g)~~ (h) If the commission:

(1) receives a written statement from the authorized representative of a church or school as described in subsection ~~(e)(1)(B)~~; **(d)(1)(B)**; and

(2) determines the church or school does not object as described in subsection ~~(e)(1)(C)~~; **(d)(1)(C)**;

the commission may not consider subsequent objections from the church or school to the issuance of the same permit type at the same premises location.

~~(h)~~ (i) The commission may issue a permit for a premises if the wall of the premises and the wall of a church are separated by at least eighty-five (85) feet, including a two (2) lane road of at least thirty (30) feet in width.

