

# HOUSE BILL No. 1179

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3-27; IC 7.1-5-7-13.

**Synopsis:** Artisan distiller's permits. Repeals the eligibility requirements for an artisan distiller's permit.

**Effective:** July 1, 2021.

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January 7, 2021, read first time and referred to Committee on Public Policy.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

# HOUSE BILL No. 1179

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 IC 7.1-3-27-5 IS REPEALED [EFFECTIVE JULY 1,  
2 2021]. Sec. 5: (a) Except as provided in section 7 of this chapter, an  
3 applicant for an artisan distiller's permit must meet all the following  
4 requirements to be eligible for an artisan distiller's permit:

5 (1) The permit applicant must hold one (1) of the following  
6 permits for the eighteen (18) months immediately preceding the  
7 date of the application:

8 (A) A farm winery permit under IC 7.1-3-12.  
9 (B) A brewer's permit issued under IC 7.1-3-2-2(b).  
10 (C) A distiller's permit under IC 7.1-3-7.

11 (2) The permit applicant may not have more than one (1) violation  
12 of this title during the eighteen (18) months immediately  
13 preceding the date of the application.

14 (3) The permit applicant may not have any violation of this title  
15 during the twelve (12) month period immediately preceding the  
16 date of the permit application.

17 (b) As used in this subsection, "qualifying permit" means a farm



1 winery, brewer's, or distiller's permit under subsection (a)(1)(A);  
 2 (a)(1)(B); or (a)(1)(C) that is required in order to hold an artisan  
 3 distiller's permit. The same persons must directly or indirectly own and  
 4 control more than fifty percent (50%) of the entity that holds the  
 5 qualifying permit and the artisan distiller's permit.

6 SECTION 2. IC 7.1-3-27-7 IS REPEALED [EFFECTIVE JULY 1,  
 7 2021]. See: 7: (a) This section applies only to a person that, on January  
 8 1, 2014:

9 (1) holds the necessary permit or license from the United States  
 10 to own or operate an establishment to manufacture liquor; and

11 (2) does not hold any of the permits listed in section 5(a)(1) of  
 12 this chapter.

13 (b) A person must meet all the following requirements to be eligible  
 14 for an artisan distiller's permit under this section:

15 (1) Any person (except for a person under subdivision (2)) who  
 16 sells or furnishes liquor by the bottle or glass on the premises of  
 17 the artisan distillery:

18 (A) must have held for at least three (3) years an employee  
 19 permit under IC 7.1-3-18-9 that authorizes the person to  
 20 perform bartending duties;

21 (B) must have completed any alcohol server program or  
 22 alcohol server training program refresher courses required  
 23 under IC 7.1-3-1.5; and

24 (C) may not have any violations under this title:

25 (2) The applicant for the artisan distiller's permit and any  
 26 management representative of the applicant must complete an  
 27 alcohol server program or a trainer program established or  
 28 approved under IC 7.1-3-1.5-5.5 or IC 7.1-3-1.5-6 not more than  
 29 one (1) year before the date of the application for the artisan  
 30 distiller's permit.

31 (c) Except as provided in subsection (f)(2), the person may not be  
 32 required to fulfill the requirements of section 5 of this chapter.

33 (d) If the person is issued an artisan distiller's permit under this  
 34 section, the person must meet the following requirements for the period  
 35 set forth in subsection (e):

36 (1) Any person selling or furnishing liquor on the premises of the  
 37 artisan distillery (except for a person under subsection (b)(2))  
 38 must meet the requirements of subsection (b)(1).

39 (2) The holder of the artisan distiller's permit and any  
 40 management representative of the holder of the artisan distiller's  
 41 permit must successfully complete refresher courses under  
 42 IC 7.1-3-1.5 not later than three (3) years after the date the holder



- 1 or representative completes the initial server program or trainer  
 2 program.
- 3 (e) A person who is issued an artisan distiller's permit under this  
 4 section must meet the requirements in subsection (d) until the later of:  
 5 (1) three (3) years after the date on which the initial artisan  
 6 distiller's permit is issued; or  
 7 (2) the date that the holder of the artisan distiller's permit has one  
 8 (1) twelve (12) month period without a violation of this title.
- 9 (f) Upon fulfilling the requirements of subsections (d) and (e), a  
 10 person who is issued an artisan distiller's permit under this section must  
 11 meet the following requirements for as long as the person holds the  
 12 permit:
- 13 (1) Any person who sells or furnishes liquor on the premises of  
 14 the artisan distillery (except for a person under subsection (b)(2))  
 15 must have an employee permit under IC 7.1-3-18-9 and be  
 16 otherwise authorized by the commission to perform bartending  
 17 duties. However, the person is not required to:
- 18 (A) hold an employee bartending permit for three (3) years  
 19 before selling or furnishing liquor; and  
 20 (B) not have any violations under this title.
- 21 (2) The holder of the artisan distiller's permit and any  
 22 management representative of the holder of the artisan distiller's  
 23 permit are subject to the same alcohol server training  
 24 requirements and refresher course requirements as the holder of  
 25 an artisan distiller's permit that meets the requirements of section  
 26 5 of this chapter.
- 27 SECTION 3. IC 7.1-5-7-13, AS AMENDED BY P.L.270-2017,  
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2021]: Sec. 13. (a) Section 12 of this chapter does not prohibit  
 30 the following:
- 31 (1) The employment of a person at least eighteen (18) years of age  
 32 but less than twenty-one (21) years of age on or about licensed  
 33 premises where alcoholic beverages are sold, furnished, or given  
 34 away for consumption either on or off the licensed premises, for  
 35 a purpose other than:
- 36 (A) selling;  
 37 (B) furnishing, other than serving;  
 38 (C) consuming; or  
 39 (D) otherwise dealing in;  
 40 alcoholic beverages.
- 41 (2) A person at least nineteen (19) years of age but less than  
 42 twenty-one (21) years of age from ringing up a sale of alcoholic



1 beverages in the course of the person's employment.

2 (3) A person who is at least nineteen (19) years of age but less  
3 than twenty-one (21) years of age and who has successfully  
4 completed an alcohol server training program certified under  
5 IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or  
6 family room of a restaurant or hotel:

7 (A) in the course of a person's employment as a waiter,  
8 waitress, or server; and

9 (B) under the supervision of a person who:

10 (i) is at least twenty-one (21) years of age;

11 (ii) is present at the restaurant or hotel; and

12 (iii) has successfully completed an alcohol server training  
13 program certified under IC 7.1-3-1.5 by the commission.

14 This subdivision does not allow a person at least nineteen (19)  
15 years of age but less than twenty-one (21) years of age to be a  
16 bartender.

17 (4) The employment of a person at least eighteen (18) years of age  
18 but less than twenty-one (21) years of age on or about licensed  
19 premises where alcoholic beverages are sold, furnished, or given  
20 away for consumption either on or off the licensed premises if all  
21 the following apply:

22 (A) The person is employed as an assistant on a delivery truck.

23 (B) The person's duties with respect to alcoholic beverages are  
24 limited to handling alcoholic beverages in connection with the  
25 loading, unloading, stowing, or storing of alcoholic beverages  
26 that are being delivered or picked up.

27 (C) The person does not sell, furnish, or deal in alcoholic  
28 beverages in any manner except as expressly permitted under  
29 clause (B).

30 (D) The person acts under the supervision of a driver holding  
31 a salesman's permit.

32 (E) The person does not collect money for the delivery or pick  
33 up.

34 (b) This chapter does not prohibit a person less than twenty-one (21)  
35 years of age from being on the premises of a brewery under  
36 IC 7.1-3-2-7(5) **or** a farm winery, including any additional locations of  
37 the farm winery under IC 7.1-3-12-5, **or an artisan distillery under**  
38 ~~IC 7.1-3-27-5~~, if the person is:

39 (1) the child, stepchild, grandchild, nephew, or niece of an owner  
40 of the:

41 (A) brewery;

42 (B) farm winery; or



1                   (C) artisan distiller; and  
2           (2) employed on the premises for a purpose other than:  
3           (A) selling;  
4           (B) furnishing, other than serving;  
5           (C) consuming; or  
6           (D) otherwise dealing in;  
7           alcoholic beverages.  
8           A minor described in this subsection is not required to be accompanied  
9           by a parent, legal guardian or custodian, or family member who is at  
10          least twenty-one (21) years of age while on the premises of the brewery  
11          or farm winery.

