

HOUSE BILL No. 1231

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3; IC 7.1-4-4.5-4; IC 7.1-5; IC 16-42-5-30.

Synopsis: Alcoholic beverage matters. Allows a small brewer to do the following: (1) Sell the brewery's beer for carryout at a farmers' market. (2) Package the brewery's beer in a building separate from the brewery. (3) Transfer beer to another brewer. (4) Employ a minor who is a family member in a capacity that does not involve the sale or serving of alcoholic beverages. (5) Manufacture and sell hard cider to the same extent as beer. Allows a minor to be on the premises of a farm winery or an artisan distillery. Allows a farm winery to sell and serve wine in a contiguous and adjoining common area that may include premises covered by a retailer's permit owned by another permit holder. Allows a farm winery, brewery, and distillery to occupy the same tent or structure at a trade show or exposition. Establishes requirements for a farmers' market where alcoholic beverages are sold. Allows an artisan distillery to sell its products for carryout at a farmers' market. Requires the commission to renew the permit of an applicant for renewal of a retailer or dealer permit if the applicant has not violated any alcoholic beverage law or rule during the 12 months preceding the date of the application. Amends the law concerning Indianapolis-Marion County quotas for liquor dealer and retailer permits.

Effective: January 1, 2015 (retroactive); July 1, 2017.

Clere, GiaQuinta

January 10, 2017, read first time and referred to Committee on Public Policy.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1231

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 7.1-3-1.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]:

4 **Chapter 1.2. Alcoholic Beverage Sales at Farmers' Markets**

5 **Sec. 1. As used in this chapter, "end consumer" means a person**
6 **who is the last person to purchase any product and who does not**
7 **resell the product to consumers.**

8 **Sec. 2. As used in this chapter, "farmers' market" means a**
9 **common facility or location where vendors gather on a regular**
10 **basis to distribute and sell farm products, food products, and other**
11 **retail items that are grown or produced by the vendors directly to**
12 **end consumers, including meat, produce, dairy, grain, fruit, wine,**
13 **beer, honey, baked goods, and nonfood retail items.**

14 **Sec. 3. As used in this chapter, "vendor" means a farmer,**
15 **grower, or producer that sells food or products to end consumers**
16 **at a farmers' market. The term includes the holder of:**

- 17 (1) a brewer's permit under IC 7.1-3-2-7(5);



1 **(2) a farm winery permit under IC 7.1-3-12-5; or**
 2 **(3) an artisan distiller's permit under IC 7.1-3-27;**
 3 **that sells alcoholic beverages at a farmers' market.**

4 **Sec. 4. A farmers' market at which alcoholic beverages are sold**
 5 **must meet all of the following requirements:**

6 **(1) The farmers' market must be operated by a state or local**
 7 **government or nonprofit organization that is exempt from**
 8 **taxation under Section 501 of the Internal Revenue Code.**

9 **(2) The farmers' market must have at least ten (10) vendors**
 10 **at any one (1) time.**

11 **(3) At any time during the business hours of the farmers'**
 12 **market, not more than ten percent (10%) of the vendors may**
 13 **be engaged in selling alcoholic beverages.**

14 SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.214-2016,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2017]: Sec. 7. The holder of a brewer's permit or an
 17 out-of-state brewer holding either a primary source of supply permit or
 18 an out-of-state brewer's permit may do the following:

19 (1) Manufacture beer.

20 (2) Place beer in containers or bottles.

21 (3) Transport beer.

22 (4) Sell and deliver beer to a person holding a beer wholesaler's
 23 permit issued under IC 7.1-3-3.

24 (5) If the brewer manufactures, at all of the brewer's breweries
 25 located in Indiana, an aggregate of not more than ninety thousand
 26 (90,000) barrels of beer in a calendar year for sale or distribution
 27 within Indiana, the permit holder may do the following:

28 (A) Sell and deliver a total of not more than thirty thousand
 29 (30,000) barrels of beer in a calendar year to a person holding
 30 a retailer or a dealer permit under this title. The total number
 31 of barrels of beer that the permit holder may sell and deliver
 32 under this clause in a calendar year may not exceed thirty
 33 thousand (30,000) barrels of beer.

34 (B) Be the proprietor of a restaurant.

35 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
 36 liquor retailer's permit for a restaurant established under clause
 37 (B).

38 (D) Transfer beer **or hard cider** directly from the brewery to
 39 the restaurant by means of:

40 (i) bulk containers; or

41 (ii) a continuous flow system.

42 (E) Install a window between the brewery and an adjacent



- 1 restaurant that allows the public and the permittee to view both
 2 premises.
- 3 (F) Install a doorway or other opening between the brewery
 4 and an adjacent restaurant that provides the public and the
 5 permittee with access to both premises.
- 6 (G) Sell the brewery's beer **and hard cider** by the glass for
 7 consumption on the premises. Brewers permitted to sell beer
 8 **and hard cider** by the glass under this clause must make food
 9 available for consumption on the premises. A brewer may
 10 comply with the requirements of this clause by doing any of
 11 the following:
- 12 (i) Allowing a vehicle of transportation that is a food
 13 establishment (as defined in IC 16-18-2-137) to serve food
 14 near the brewer's licensed premises.
 - 15 (ii) Placing menus in the brewer's premises of restaurants
 16 that will deliver food to the brewery.
 - 17 (iii) Providing food prepared at the brewery.
- 18 (H) Sell and deliver beer **and hard cider** to a consumer at the
 19 permit premises of the brewer or at the residence of the
 20 consumer. The delivery to a consumer may be made only in a
 21 quantity at any one (1) time of not more than one-half (1/2)
 22 barrel, but the beer **or hard cider** may be contained in bottles
 23 or other permissible containers.
- 24 (I) Sell the brewery's beer **or hard cider** as authorized by this
 25 section for carryout on Sunday in a quantity at any one (1)
 26 time of not more than five hundred seventy-six (576) ounces.
 27 A brewer's beer **or hard cider** may be sold under this clause
 28 at any address for which the brewer holds a brewer's permit
 29 issued under this chapter if the address is located within the
 30 same city boundaries in which the beer **or hard cider** was
 31 manufactured.
- 32 (J) With the approval of the commission, participate:
- 33 (i) individually; or
 - 34 (ii) with other permit holders under this chapter, holders of
 35 artisan distiller's permits, holders of farm winery permits, or
 36 any combination of holders described in this item;
- 37 in a trade show or an exposition at which products of each
 38 permit holder participant are displayed, promoted, and sold.
 39 **All of the permit holders may occupy the same tent,**
 40 **structure, or building.** The commission may not grant to a
 41 holder of a permit under this chapter approval under this
 42 clause to participate in a trade show or exposition for more



1 than forty-five (45) days in a calendar year.

2 (K) **Package**, store, or condition beer **and hard cider** in a
3 secure building that is:

- 4 (i) separate from the brewery; and
5 (ii) owned or leased by the permit holder.

6 A brewer may not sell or transfer beer **or hard cider** directly
7 to a permittee or consumer from a building described in this
8 clause.

9 **(L) Transfer the beer or hard cider to a brewer that holds**
10 **a permit under this subdivision. The brewer that receives**
11 **the beer or hard cider may pick up and transport beer or**
12 **hard cider from the transferring brewery. The beer that is**
13 **transferred to a brewer does not count against that**
14 **brewer's barrel limits under this subdivision until the**
15 **receiving brewer sells the beer.**

16 **(M) Sell the brewer's beer and hard cider to consumers for**
17 **carryout at a farmers' market that meets the requirements**
18 **of IC 7.1-3-1.2. The delivery to a consumer may be made**
19 **only in a quantity of not more than five hundred**
20 **seventy-six (576) ounces at any one (1) time, but the beer or**
21 **hard cider must be contained in bottles or other**
22 **permissible containers. The beer or hard cider sold under**
23 **this clause must be placed in the bottle or container at the**
24 **brewer's permit premises.**

25 **(N) Manufacture hard cider, place hard cider in containers**
26 **or bottles, transport hard cider, and sell and deliver hard**
27 **cider to a person holding a wine wholesaler's permit.**

28 (6) If the brewer's brewery manufactures more than ninety
29 thousand (90,000) barrels of beer in a calendar year for sale or
30 distribution within Indiana, the permit holder may own a portion
31 of the corporate stock of another brewery that:

- 32 (A) is located in the same county as the brewer's brewery;
33 (B) manufactures less than ninety thousand (90,000) barrels of
34 beer in a calendar year; and
35 (C) is the proprietor of a restaurant that operates under
36 subdivision (5).

37 (7) Provide complimentary samples of beer that are:

- 38 (A) produced by the brewer; and
39 (B) offered to consumers for consumption on the brewer's
40 premises.

41 (8) Own a portion of the corporate stock of a sports corporation
42 that:



- 1 (A) manages a minor league baseball stadium located in the
 2 same county as the brewer's brewery; and
 3 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 4 liquor retailer's permit for a restaurant located in that stadium.
 5 (9) For beer described in IC 7.1-1-2-3(a)(4):
 6 (A) may allow transportation to and consumption of the beer
 7 on the licensed premises; and
 8 (B) may not sell, offer to sell, or allow sale of the beer on the
 9 licensed premises.
- 10 SECTION 3. IC 7.1-3-6-3.8, AS ADDED BY P.L.214-2016,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2017]: Sec. 3.8. (a) Notwithstanding any other provision in
 13 this chapter, the commission may issue a temporary beer permit if all
 14 the following apply:
- 15 (1) The temporary beer permit is issued for a festival or event that
 16 meets all the following:
- 17 (A) The festival or event promotes, at least in part, beer **or**
 18 **hard cider** manufactured at a brewery described in
 19 IC 7.1-3-2-7(5).
 20 (B) The anticipated attendance of the festival or event is at
 21 least seven thousand five hundred (7,500) people.
 22 (C) Adequate security measures will be provided at the festival
 23 or event.
 24 (D) Individuals less than twenty-one (21) years of age will not
 25 be allowed to attend the festival or event.
- 26 (2) The applicant for the temporary beer permit:
- 27 (A) has held a brewer's permit for a brewery described in
 28 IC 7.1-3-2-7(5) for at least three (3) years; and
 29 (B) pays an application fee to the commission of two thousand
 30 five hundred dollars (\$2,500).
- 31 (b) The commission may issue a temporary beer permit only for an
 32 area at a festival or event that is enclosed by fencing, barricades, or
 33 structures. The area may be an outside area that is contiguous to a
 34 brewery described in IC 7.1-3-2-7(5) or restaurant or at another
 35 location that is not on or near the premises of a brewery or restaurant.
- 36 (c) The commission may issue a temporary beer permit under this
 37 section for a term, up to and including, three (3) days from its issuance.
- 38 (d) The commission may not issue a temporary beer permit under
 39 this section to any one (1) person more than two (2) times in a calendar
 40 year.
- 41 (e) Notwithstanding any other provision of this title, the holder of
 42 the temporary beer permit may allow an individual who attends the



1 festival or event to carry beer **or hard cider**, in a quantity that does not
 2 exceed a total of two hundred eighty-eight (288) ounces, into the
 3 permitted area. Beer **or hard cider** carried in to a festival or event
 4 under this subsection may be consumed or traded only in the permitted
 5 area.

6 (f) An individual who attends the festival or event may carry out
 7 beer **or hard cider** in sealed, unopened containers from the temporary
 8 beer permit area.

9 SECTION 4. IC 7.1-3-12-5, AS AMENDED BY THE TECHNICAL
 10 CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS
 11 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

12 Sec. 5. (a) The holder of a farm winery permit:

13 (1) is entitled to manufacture wine and to bottle wine produced by
 14 the permit holder's farm winery;

15 (2) is entitled to serve complimentary samples of the winery's
 16 wine on the licensed premises or an outside area that is
 17 contiguous to the licensed premises, **including a common area**
 18 **under section 8 of this chapter**, as approved by the commission
 19 if each employee who serves wine on the licensed premises:

20 (A) holds an ~~employee~~ **employee's** permit under
 21 IC 7.1-3-18-9; and

22 (B) completes a server training program approved by the
 23 commission;

24 (3) is entitled to sell the winery's wine on the licensed premises
 25 **and in a common area under section 8 of this chapter** to
 26 consumers either by the glass, or by the bottle, or both;

27 (4) is entitled to sell the winery's wine to consumers by the bottle
 28 at a farmers' market that is ~~operated on a nonprofit basis~~; **meets**
 29 **the requirements of IC 7.1-3-1.2.**

30 (5) is entitled to sell wine by the bottle or by the case to a person
 31 who is the holder of a permit to sell wine at wholesale;

32 (6) is exempt from the provisions of IC 7.1-3-14;

33 (7) is entitled to advertise the name and address of any retailer or
 34 dealer who sells wine produced by the permit holder's winery;

35 (8) for wine described in IC 7.1-1-2-3(a)(4):

36 (A) may allow transportation to and consumption of the wine
 37 on the licensed premises; and

38 (B) may not sell, offer to sell, or allow the sale of the wine on
 39 the licensed premises;

40 (9) is entitled to purchase and sell bulk wine as set forth in this
 41 chapter;

42 (10) is entitled to sell wine as authorized by this section for



- 1 carryout on Sunday; ~~and~~
 2 (11) is entitled to sell and ship the farm winery's wine to a person
 3 located in another state in accordance with the laws of the other
 4 state; ~~and~~
 5 **(12) is entitled to sell, serve, and furnish wine in a common**
 6 **area as set forth in section 8 of this chapter.**
 7 (b) With the approval of the commission, a holder of a permit under
 8 this chapter may conduct business at not more than three (3) additional
 9 locations that are separate from the winery. At the additional locations,
 10 the holder of a permit may conduct any business that is authorized at
 11 the first location, except for the manufacturing or bottling of wine.
 12 (c) With the approval of the commission, a holder of a permit under
 13 this chapter may:
 14 (1) individually; or
 15 (2) with other permit holders under this chapter, holders of artisan
 16 distiller's permits, holders of a brewer's permits issued under
 17 IC 7.1-3-2-2(b), or any combination of holders described in this
 18 subdivision;
 19 participate in a trade show or an exposition at which products of each
 20 permit holder participant are displayed, promoted, and sold. **All of the**
 21 **permit holders may occupy the same tent, structure, or building.**
 22 The commission may not grant approval under this subsection to a
 23 holder of a permit under this chapter for more than forty-five (45) days
 24 in a calendar year.
 25 SECTION 5. IC 7.1-3-12-7.5, AS ADDED BY P.L.97-2015,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2017]: Sec. 7.5. (a) This section applies if the permit premises
 28 of any combination of the following:
 29 (1) a farm winery;
 30 (2) a brewery under IC 7.1-3-2-7(5); and
 31 (3) an artisan distillery;
 32 occupy the same building.
 33 (b) Notwithstanding any other provision, a person who holds any
 34 combination of a farm winery permit, a brewery permit under
 35 IC 7.1-3-2-7(5), and an artisan distiller's permit, may sell by the glass
 36 for consumption on the premises:
 37 (1) the farm winery's wine;
 38 (2) the brewery's beer **and hard cider**; and
 39 (3) an artisan distillery's liquor;
 40 from the same service bar, without a partition, wall, or any other
 41 structure separating the service of wine, the service of beer, and the
 42 service of liquor.



1 (c) Except as provided in this chapter, the restrictions and
 2 provisions of a permittee's permit governing the sale or service of the
 3 alcoholic beverage that is the subject of the permit apply to the sale and
 4 service of the alcoholic beverage under this chapter.

5 SECTION 6. IC 7.1-3-12-8 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2017]: **Sec. 8. (a) As used in this section, "common area" means**
 8 **a terrace, an event space, grounds, a gathering area, or other**
 9 **indoor or outdoor area that:**

- 10 (1) is contiguous to and adjoins the premises of a farm winery;
 11 (2) is operated by or in conjunction with the farm winery; and
 12 (3) may include premises covered by a retailer's permit,
 13 regardless of whether the retailer's permit or premises is
 14 owned by the holder of the farm winery permit.

15 (b) With the approval of the commission, the holder of the farm
 16 winery permit may sell, serve, or furnish alcoholic beverages:

- 17 (1) throughout the common area; and
 18 (2) to the same extent that the holder of the farm winery
 19 permit may sell, serve, or furnish alcoholic beverages on the
 20 premises of the farm winery;

21 without providing any separation between the farm winery and the
 22 common areas, including the permit premises covered by the
 23 retailer's permit.

24 SECTION 7. IC 7.1-3-19-9.5 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]:
 26 Sec. 9.5. (a) The commission shall provide procedures and forms to
 27 allow an applicant for the renewal of a retailer's or dealer's permit to
 28 file a simplified application.

29 (b) An applicant for renewal does not have to be present during the
 30 local board proceedings on the renewal unless notified by the
 31 commission or the local board. However, a local board may not take
 32 any action to deny the renewal of a retailer's or dealer's permit unless
 33 the applicant has been notified and given an opportunity to be present
 34 at an investigation before the local board.

35 (c) **The commission shall renew the permit of an applicant for**
 36 **renewal if the applicant has not violated any alcoholic beverage**
 37 **law or rule during the twelve (12) months preceding the date of the**
 38 **application.**

39 (e) (d) For the purpose of implementing this section, the
 40 commissioner may prorate permits of persons holding more than one
 41 (1) retailer's or dealer's permit so that those permits terminate at one (1)
 42 time and the renewed permits of that person shall have the same



1 termination date.

2 ~~(d)~~ (e) In a county containing a consolidated city, the renewal of a
3 retailer's or dealer's permit is subject to this section and IC 7.1-3-1-5.6.

4 SECTION 8. IC 7.1-3-20-16.3, AS AMENDED BY P.L.214-2016,
5 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2017]: Sec. 16.3. If the holder of a permit holds a:

7 (1) permit issued under section 16(c) through 16(l) of this chapter
8 or section 16.8 of this chapter to sell beer for on-premises
9 consumption; and

10 (2) permit for a brewery described in IC 7.1-3-2-7(5) that is
11 located on or adjacent to the premises for which the permit holder
12 holds a permit described in subdivision (1);

13 the permit holder may sell for carryout, at the premises for which the
14 permit holder holds a permit described in subdivision (1), beer **and**
15 **hard cider** manufactured at the brewery.

16 SECTION 9. IC 7.1-3-22-8 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) In making quota
18 determinations ~~under this article; for a package liquor store,~~ the
19 population of a consolidated city is the population of its ~~fire special~~
20 ~~service district; except to the extent that the case of Indiana Alcoholic~~
21 ~~Beverage Commission v. Baker (1972), 153 Ind.App. 118, 286 N.E.2d~~
22 ~~174, has determined otherwise. However, the number of liquor dealer's~~
23 ~~permits issued to proprietors of package liquor stores located in the fire~~
24 ~~special service district may not exceed the number issued as of January~~
25 ~~1, 1977. the county in which it is located.~~ For purposes of this article
26 relating to the permissible geographic location of package liquor store
27 dealer permit holders, the area of a consolidated city is the area of the
28 entire county.

29 (b) For purposes of this subsection, "fire special service district"
30 means the fire special service district established under
31 IC 36-3-1-6, except that the territory of the district includes all
32 territory that comprised the district as of December 31, 1969. In
33 making quota determinations for retailer's permits, any part of the
34 consolidated city located outside:

35 (1) the fire special service district; and

36 (2) the boundaries of Beech Grove, Lawrence, Southport, or
37 Speedway;

38 shall be considered to be outside the boundaries of a city or town.

39 SECTION 10. IC 7.1-3-27-8, AS AMENDED BY P.L.214-2016,
40 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2017]: Sec. 8. (a) The holder of an artisan distiller's permit
42 may do only the following:



- 1 (1) Manufacture liquor, including blending liquor purchased from
- 2 another manufacturer with liquor the artisan distiller
- 3 manufactures under section 11 of this chapter.
- 4 (2) Bottle liquor manufactured by the artisan distiller.
- 5 (3) Store liquor manufactured by the artisan distiller.
- 6 (4) Transport, sell, and deliver liquor manufactured by the artisan
- 7 distiller to:
- 8 (A) places outside Indiana; or
- 9 (B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.
- 10 (5) Sell liquor manufactured by the artisan distiller to consumers
- 11 by the drink, bottle, or case from the premises of the distillery
- 12 where the liquor was manufactured.
- 13 (6) Serve complimentary samples of the liquor manufactured by
- 14 the artisan distiller to consumers on the premises of the distillery
- 15 where the liquor was manufactured.
- 16 (7) Sell liquor as authorized by this section for carryout on
- 17 Sunday in a quantity at any one (1) time of not more than four and
- 18 five-tenths (4.5) liters.
- 19 (8) With the approval of the commission, participate:
- 20 (A) individually; or
- 21 (B) with other permit holders under this chapter, holders of
- 22 farm winery permits, holders of brewer's permits issued under
- 23 IC 7.1-3-2-2(b), or any combination of holders described in
- 24 this clause;
- 25 in a trade show or an exposition at which products of each permit
- 26 holder participant are displayed, promoted, and sold. **All of the**
- 27 **permit holders may occupy the same tent, structure, or**
- 28 **building.** The commission may not grant to a holder of a permit
- 29 under this chapter approval under this subdivision to participate
- 30 in a trade show or exposition for more than forty-five (45) days in
- 31 a calendar year.
- 32 **(9) Sell liquor manufactured by the artisan distiller to**
- 33 **consumers for carryout at a farmers' market that is operated**
- 34 **on a nonprofit basis. The delivery to a consumer may be made**
- 35 **only in a quantity of not more than four and five-tenths (4.5)**
- 36 **liters at any one (1) time, but the liquor must be contained in**
- 37 **bottles or other permissible containers. The liquor sold under**
- 38 **this subdivision must be placed in the bottle or container at**
- 39 **the artisan distiller's permit premises.**
- 40 (b) The holder of an artisan distiller's permit who provides samples
- 41 or sells liquor by the glass must furnish the minimum food
- 42 requirements prescribed by the commission.



1 (c) An artisan distiller who knowingly or intentionally violates this
2 section commits a Class B misdemeanor.

3 SECTION 11. IC 7.1-4-4.5-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. The commission and
5 the department may adopt rules and maintain gauges in a winery, a
6 farm winery, **a brewery under IC 7.1-3-2-7(5)**, or a wholesaler's
7 premises for the proper gauging of the alcoholic beverages to which the
8 hard cider excise tax is applicable and the assessment of that tax.

9 SECTION 12. IC 7.1-5-7-11, AS AMENDED BY P.L.196-2015,
10 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2017]: Sec. 11. (a) The provisions of sections 9 and 10 of this
12 chapter shall not apply if the public place involved is one (1) of the
13 following:

- 14 (1) Civic center.
- 15 (2) Convention center.
- 16 (3) Sports arena.
- 17 (4) Bowling center.
- 18 (5) Bona fide club.
- 19 (6) Drug store.
- 20 (7) Grocery store.
- 21 (8) Boat.
- 22 (9) Dining car.
- 23 (10) Pullman car.
- 24 (11) Club car.
- 25 (12) Passenger airplane.
- 26 (13) Horse racetrack facility holding a recognized meeting permit
27 under IC 4-31-5.
- 28 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 29 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
30 public.
- 31 (16) That part of a restaurant which is separate from a room in
32 which is located a bar over which alcoholic beverages are sold or
33 dispensed by the drink.
- 34 (17) Entertainment complex
- 35 (18) Indoor golf facility.
- 36 (19) A recreational facility such as a golf course, bowling center,
37 or similar facility that has the recreational activity and not the sale
38 of food and beverages as the principal purpose or function of the
39 person's business.
- 40 (20) A licensed premises owned or operated by a postsecondary
41 educational institution described in IC 21-17-6-1.
- 42 (21) An automobile racetrack.



- 1 (22) An indoor theater under IC 7.1-3-20-26.
- 2 (23) A senior residence facility campus (as defined in
- 3 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or
- 4 furnished as provided under IC 7.1-3-1-29.
- 5 (24) A hotel other than a part of a hotel that is a room in a
- 6 restaurant in which a bar is located over which alcoholic
- 7 beverages are sold or dispensed by the drink.
- 8 (25) The location of an allowable event to which IC 7.1-3-6.1
- 9 applies.
- 10 (26) The location of a charity auction to which IC 7.1-3-6.2
- 11 applies.
- 12 **(27) A farm winery under IC 7.1-3-12, including a farm**
- 13 **winery that holds a brandy distiller's permit under**
- 14 **IC 7.1-3-7.5.**
- 15 **(28) An artisan distillery under IC 7.1-3-27.**
- 16 (b) For the purpose of this subsection, "food" means meals prepared
- 17 on the licensed premises. It is lawful for a minor to be on licensed
- 18 premises in a room in which is located a bar over which alcoholic
- 19 beverages are sold or dispensed by the drink if all the following
- 20 conditions are met:
- 21 (1) The minor is eighteen (18) years of age or older.
- 22 (2) The minor is in the company of a parent, guardian, or family
- 23 member who is twenty-one (21) years of age or older.
- 24 (3) The purpose for being on the licensed premises is the
- 25 consumption of food and not the consumption of alcoholic
- 26 beverages.
- 27 SECTION 13. IC 7.1-5-7-13, AS AMENDED BY P.L.94-2008,
- 28 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2017]: 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 **(b) This chapter does not prohibit a person less than twenty-one**
18 **(21) years of age from being on the premises of a brewery under**
19 **IC 7.1-3-2-7(5) if the person is:**

20 **(1) the child, stepchild, grandchild, nephew, or niece of an**
21 **owner of the brewery; and**

22 **(2) employed on the premises for a purpose other than:**

23 **(A) selling;**

24 **(B) furnishing, other than serving;**

25 **(C) consuming; or**

26 **(D) otherwise dealing in;**

27 **alcoholic beverages.**

28 SECTION 14. IC 7.1-5-8-5, AS AMENDED BY P.L.94-2008,
29 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2017]: Sec. 5. (a) This section does not apply to a person who,
31 on or about a licensed premises, carries, conveys, or consumes beer or
32 wine:

33 (1) described in IC 7.1-1-2-3(a)(4); and

34 (2) not sold or offered for sale.

35 (b) This section does not apply to a person at a facility that is used
36 in connection with the operation of a track that is used primarily in the
37 sport of auto racing.

38 (c) This section does not apply to a person at an outdoor place of
39 public entertainment that:

40 (1) has an area of at least four (4) acres and not more than six (6)
41 acres;

42 (2) is located within one (1) mile of the White River;



1 (3) is owned and operated by a nonprofit corporation exempt from
 2 federal income taxation under Section 501(c)(3) of the Internal
 3 Revenue Code; and
 4 (4) is used primarily in connection with live music concerts.
 5 **(d) This section does not apply to a person who:**
 6 **(1) purchases or is furnished an alcoholic beverage in one (1)**
 7 **location; and**
 8 **(2) carries, conveys, or consumes the alcoholic beverage in**
 9 **another location;**
 10 **of a common area under IC 7.1-3-12-8.**
 11 ~~(d)~~ (e) It is a Class C misdemeanor for a person, for the person's
 12 own use, to knowingly carry on, convey to, or consume on or about the
 13 licensed premises of a permittee an alcoholic beverage that was not
 14 then and there purchased from that permittee.
 15 SECTION 15. IC 7.1-5-8-6, AS AMENDED BY P.L.153-2015,
 16 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2017]: Sec. 6. (a) It is a Class C misdemeanor for a person to
 18 knowingly carry liquor into a restaurant or place of public
 19 entertainment for the purpose of consuming it, displaying it, or selling,
 20 furnishing, or giving it away to another person on the premises, or for
 21 the purpose of having it served to himself or another person, then and
 22 there. It is a Class C misdemeanor to knowingly consume liquor
 23 brought into a public establishment in violation of this section.
 24 (b) This section does not apply to a person at an outdoor place of
 25 public entertainment that:
 26 (1) has an area of at least four (4) acres and not more than six (6)
 27 acres;
 28 (2) is located within one (1) mile of the White River;
 29 (3) is owned and operated by a nonprofit corporation exempt from
 30 federal income taxation under Section 501(c)(3) of the Internal
 31 Revenue Code; and
 32 (4) is used primarily in connection with live music concerts.
 33 (c) This section does not apply to a person who carries liquor into
 34 a restaurant or place of public entertainment where a qualified
 35 organization is conducting:
 36 (1) an allowable event to which IC 7.1-3-6.1 applies, and the
 37 liquor brought into the establishment is:
 38 (A) in sealed bottles or cases; and
 39 (B) donated to or purchased by the qualified organization to be
 40 offered as a prize in the allowable event; or
 41 (2) a charity auction to which IC 7.1-3-6.2 applies, and the liquor
 42 brought into the establishment is:



- 1 (A) in sealed bottles or cases; and
- 2 (B) donated to or purchased by the qualified organization to be
- 3 offered for sale in the charity auction.
- 4 **(d) This section does not apply to a person who:**
- 5 **(1) carries an alcoholic beverage purchased or furnished in**
- 6 **one (1) location of a common area under IC 7.1-3-12-8 to**
- 7 **another location in the common area for a purpose set forth**
- 8 **in subsection (a); or**
- 9 **(2) consumes an alcoholic beverage described in subdivision**
- 10 **(1).**
- 11 SECTION 16. IC 16-42-5-30, AS ADDED BY P.L.144-2015,
- 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2017]: Sec. 30. (a) As used in this section, "permit holder"
- 14 means the holder of:
- 15 (1) a farm winery permit under IC 7.1-3-12-5; or
- 16 (2) a brewer's permit under IC 7.1-3-2-7(5).
- 17 (b) A permit holder that sells or furnishes alcoholic beverages by the
- 18 glass at a festival, fair, or other temporary location authorized by the
- 19 permit holder's permit under IC 7.1, is not considered to be a food
- 20 establishment and is exempt from the requirements of this title that
- 21 apply to food establishments, if the following requirements are met:
- 22 (1) The holder of a farm winery permit furnishes only the
- 23 following for consumption on the premises, regardless of whether
- 24 there is a charge:
- 25 (A) Wine samples.
- 26 (B) Wine by the glass.
- 27 The holder may not serve or furnish any food, including any fruit,
- 28 condiment, flavoring, or garnish added to the wine after the wine
- 29 is poured from its original container.
- 30 (2) The holder of a brewer's permit furnishes only the following
- 31 for consumption on the premises, regardless of whether there is
- 32 a charge:
- 33 (A) Beer **or hard cider** samples.
- 34 (B) Beer **or hard cider** by the glass.
- 35 The holder may not serve or furnish any food, including any fruit,
- 36 condiment, flavoring, or garnish added to the beer **or hard cider**
- 37 after the beer **or hard cider** is poured from its original container.
- 38 (c) A local unit of government (as defined in IC 14-22-31.5-1) may
- 39 not require any licensure, registration, or certification of a permit
- 40 holder as a condition of providing alcoholic beverages at a festival, fair,
- 41 or other temporary location authorized by the permit holder's permit
- 42 under IC 7.1, if the permit holder meets the requirements of this



1 section.
2 SECTION 17. **An emergency is declared for this act.**

