

HOUSE BILL No. 1354

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3.

Synopsis: Sale of individual bottles of cold alcohol. Restricts carryout sales of cold alcoholic beverages to the following: (1) Sales of single bottles, cans, or containers of a minimum capacity. (2) Sales of a minimum quantity of 12 bottles, cans, or containers, if the bottles, cans, or containers have less than the minimum capacity. Specifically exempts farm wineries, breweries, artisan distillers, charity gaming events, charity auctions, festivals, and city marinas from the restrictions.

Effective: July 1, 2017.

Huston

January 12, 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. 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 7.1-3-1-25, AS AMENDED BY P.L.119-2012,
2 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 25. (a) A city or county listed in this subsection
4 that by itself or in combination with any other municipal body acquires
5 by ownership or by lease any stadium, exhibition hall, auditorium,
6 theater, convention center, or civic center may permit the retail sale of
7 alcoholic beverages upon the premises if the governing board of the
8 facility first applies for and secures the necessary permits as required
9 by this title. The cities and counties to which this subsection applies are
10 as follows:

- 11 (1) A consolidated city or its county.
12 (2) A second class city.
13 (3) A county having a population of more than one hundred
14 eighty-five thousand (185,000) but less than two hundred fifty
15 thousand (250,000).
16 (4) A county having a population of more than one hundred
17 seventy-five thousand (175,000) but less than one hundred



- 1 eighty-five thousand (185,000).
 2 (5) A county having a population of more than one hundred
 3 twenty-five thousand (125,000) but less than one hundred
 4 thirty-five thousand (135,000).
 5 (6) A county having a population of more than three hundred
 6 thousand (300,000) but less than four hundred thousand
 7 (400,000).
 8 (7) A city having a population of more than four thousand nine
 9 hundred fifty (4,950) but less than five thousand (5,000).
 10 (8) A county having a population of more than one hundred
 11 thirty-five thousand (135,000) but less than one hundred
 12 thirty-eight thousand (138,000).
 13 (9) A county having a population of more than two hundred
 14 seventy thousand (270,000) but less than three hundred thousand
 15 (300,000).
 16 (b) A county having a population of more than four hundred
 17 thousand (400,000) but less than seven hundred thousand (700,000) or
 18 a township located in such a county that has established a public park
 19 with a golf course within its jurisdiction under IC 36-10-3 or
 20 IC 36-10-7 may be issued a permit for the retail sale of alcoholic
 21 beverages on the premises of any community center within the park,
 22 including a clubhouse, social center, or pavilion.
 23 (c) A township that:
 24 (1) is located in a county having a population of more than one
 25 hundred five thousand (105,000) but less than one hundred ten
 26 thousand (110,000); and
 27 (2) acquires ownership of a golf course;
 28 may permit the retail sale of alcoholic beverages upon the premises of
 29 the golf course, if the governing board of the golf course first applies
 30 for and secures the necessary permits required by this title.
 31 (d) A township:
 32 (1) having a population of more than thirty-five thousand (35,000)
 33 but less than one hundred thousand (100,000); and
 34 (2) located in a county having a population of more than four
 35 hundred thousand (400,000) but less than seven hundred thousand
 36 (700,000);
 37 may be issued a permit for the retail sale of alcoholic beverages on the
 38 premises of any community center or social center that is located
 39 within the township and operated by the township.
 40 (e) A city that owns a golf course may permit the retail sale of
 41 alcoholic beverages upon the premises of the golf course if the
 42 governing board of the golf course first applies for and secures the



1 necessary permits required by this title.

2 (f) A city that:

- 3 (1) has a population of more than twenty-nine thousand six
 4 hundred (29,600) but less than twenty-nine thousand nine
 5 hundred (29,900); and
 6 (2) owns or leases a marina;

7 may permit the retail sale of alcoholic beverages upon the premises of
 8 the marina if the governing board of the marina first applies for and
 9 secures the necessary permits required by this title. The permit may
 10 include the carryout sale of alcoholic beverages in accordance with
 11 IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29
 12 but may not include at-home delivery of alcoholic beverages. **Carryout**
 13 **sales under this subsection are not subject to IC 7.1-3-4-6(d),**
 14 **IC 7.1-3-9-9(d), or IC 7.1-3-14-4(c).**

15 (g) A city listed in this subsection that owns a marina may be issued
 16 a permit for the retail sale of alcoholic beverages on the premises of the
 17 marina. The permit may include the carryout sale of alcoholic
 18 beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c),
 19 IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home
 20 delivery of alcoholic beverages. **Carryout sales under this subsection**
 21 **are not subject to IC 7.1-3-4-6(d), IC 7.1-3-9-9(d), or**
 22 **IC 7.1-3-14-4(c).** However, the city must apply for and secure the
 23 necessary permits that this title requires. This subsection applies to the
 24 following cities:

- 25 (1) A city having a population of more than eighty thousand
 26 (80,000) but less than eighty thousand four hundred (80,400).
 27 (2) A city having a population of more than eighty thousand five
 28 hundred (80,500) but less than one hundred thousand (100,000).
 29 (3) A city having a population of more than thirty-one thousand
 30 (31,000) but less than thirty-one thousand five hundred (31,500).
 31 (4) A city having a population of more than thirty-six thousand
 32 eight hundred twenty-five (36,825) but less than forty thousand
 33 (40,000).
 34 (5) A city having a population of more than forty-four thousand
 35 five hundred (44,500) but less than forty-five thousand (45,000).

36 (h) Notwithstanding subsection (a), the commission may issue a
 37 civic center permit to a person that:

- 38 (1) by the person's self or in combination with another person is
 39 the proprietor, as owner or lessee, of an entertainment complex;
 40 or
 41 (2) has an agreement with a person described in subdivision (1)
 42 to act as a concessionaire for the entertainment complex for the



- 1 full period for which the permit is to be issued.
- 2 SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.214-2016,
 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2017]: Sec. 7. The holder of a brewer's permit or an
 5 out-of-state brewer holding either a primary source of supply permit or
 6 an out-of-state brewer's permit may do the following:
- 7 (1) Manufacture beer.
 - 8 (2) Place beer in containers or bottles.
 - 9 (3) Transport beer.
 - 10 (4) Sell and deliver beer to a person holding a beer wholesaler's
 11 permit issued under IC 7.1-3-3.
 - 12 (5) If the brewer manufactures, at all of the brewer's breweries
 13 located in Indiana, an aggregate of not more than ninety thousand
 14 (90,000) barrels of beer in a calendar year for sale or distribution
 15 within Indiana, the permit holder may do the following:
 - 16 (A) Sell and deliver a total of not more than thirty thousand
 17 (30,000) barrels of beer in a calendar year to a person holding
 18 a retailer or a dealer permit under this title. The total number
 19 of barrels of beer that the permit holder may sell and deliver
 20 under this clause in a calendar year may not exceed thirty
 21 thousand (30,000) barrels of beer.
 - 22 (B) Be the proprietor of a restaurant.
 - 23 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
 24 liquor retailer's permit for a restaurant established under clause
 25 (B). **However, sales of the brewer's cold beer for carryout
 26 are not subject to IC 7.1-3-4-6(d).**
 - 27 (D) Transfer beer directly from the brewery to the restaurant
 28 by means of:
 - 29 (i) bulk containers; or
 - 30 (ii) a continuous flow system.
 - 31 (E) Install a window between the brewery and an adjacent
 32 restaurant that allows the public and the permittee to view both
 33 premises.
 - 34 (F) Install a doorway or other opening between the brewery
 35 and an adjacent restaurant that provides the public and the
 36 permittee with access to both premises.
 - 37 (G) Sell the brewery's beer by the glass for consumption on the
 38 premises. Brewers permitted to sell beer by the glass under
 39 this clause must make food available for consumption on the
 40 premises. A brewer may comply with the requirements of this
 41 clause by doing any of the following:
 - 42 (i) Allowing a vehicle of transportation that is a food



- 1 establishment (as defined in IC 16-18-2-137) to serve food
 2 near the brewer's licensed premises.
- 3 (ii) Placing menus in the brewer's premises of restaurants
 4 that will deliver food to the brewery.
- 5 (iii) Providing food prepared at the brewery.
- 6 (H) Sell and deliver beer to a consumer at the permit premises
 7 of the brewer or at the residence of the consumer. The delivery
 8 to a consumer may be made only in a quantity at any one (1)
 9 time of not more than one-half (1/2) barrel, but the beer may
 10 be contained in bottles or other permissible containers.
- 11 (I) Sell the brewery's beer as authorized by this section for
 12 ~~carry out~~ **carryout** on Sunday in a quantity at any one (1) time
 13 of not more than five hundred seventy-six (576) ounces. A
 14 brewer's beer may be sold under this clause at any address for
 15 which the brewer holds a brewer's permit issued under this
 16 chapter if the address is located within the same city
 17 boundaries in which the beer was manufactured.
- 18 (J) With the approval of the commission, participate:
 19 (i) individually; or
 20 (ii) with other permit holders under this chapter, holders of
 21 artisan distiller's permits, holders of farm winery permits, or
 22 any combination of holders described in this item;
 23 in a trade show or an exposition at which products of each
 24 permit holder participant are displayed, promoted, and sold.
 25 The commission may not grant to a holder of a permit under
 26 this chapter approval under this clause to participate in a trade
 27 show or exposition for more than forty-five (45) days in a
 28 calendar year.
- 29 (K) Store or condition beer in a secure building that is:
 30 (i) separate from the brewery; and
 31 (ii) owned or leased by the permit holder.
- 32 A brewer may not sell or transfer beer directly to a permittee
 33 or consumer from a building described in this clause.
- 34 (6) If the brewer's brewery manufactures more than ninety
 35 thousand (90,000) barrels of beer in a calendar year for sale or
 36 distribution within Indiana, the permit holder may own a portion
 37 of the corporate stock of another brewery that:
 38 (A) is located in the same county as the brewer's brewery;
 39 (B) manufactures less than ninety thousand (90,000) barrels of
 40 beer in a calendar year; and
 41 (C) is the proprietor of a restaurant that operates under
 42 subdivision (5).



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

16 SECTION 3. IC 7.1-3-4-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) The holder of a
 18 beer retailer's permit shall be entitled to purchase beer for sale under
 19 **his the beer retailer's** permit only from a permittee entitled to sell to
 20 **him the beer retailer** under this title. A beer retailer shall be entitled
 21 to possess beer and sell it at retail to a customer for consumption on the
 22 licensed premises. A beer retailer also shall be entitled to sell beer to
 23 a customer and deliver it in permissible containers to the customer on
 24 the licensed premises, or to the customer's house.

25 (b) A beer retailer shall not be entitled to sell beer at wholesale. **He**
 26 **A beer retailer** shall not be entitled to sell and deliver beer on the
 27 street or at the curb outside the licensed premises, nor shall ~~he the beer~~
 28 **retailer** be entitled to sell beer at a place other than the licensed
 29 premises. However, a beer retailer may offer food service (excluding
 30 alcoholic beverages) to a patron who is outside the licensed premises
 31 by transacting business through a window in the licensed premises.

32 (c) A beer retailer shall be entitled to sell and deliver warm or cold
 33 beer for ~~carry out~~, **carryout**, or for at-home delivery, in barrels or other
 34 commercial containers in a quantity that does not exceed fifteen and
 35 one-half (15 1/2) gallons at any one (1) time.

36 **(d) A beer retailer may sell cold beer to a customer for carryout**
 37 **only if the beer is sold in sealed and unopened bottles, cans, or**
 38 **containers that have a capacity of:**

- 39 **(1) at least thirty-two (32) ounces by volume; or**
 40 **(2) less than thirty-two (32) ounces by volume and are sold to**
 41 **the customer in quantities of at least twelve (12) bottles, cans,**
 42 **or containers.**



1 SECTION 4. IC 7.1-3-5-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The holder of a
 3 beer dealer's permit shall be entitled to purchase beer for sale under the
 4 permit only from a permittee entitled to sell to a beer dealer under this
 5 title.

6 (b) A beer dealer shall be entitled to possess beer and sell it at retail
 7 to a customer in permissible containers only.

8 (c) A beer dealer may not sell beer by the drink nor for consumption
 9 on the licensed premises nor shall a beer dealer allow it to be consumed
 10 on the licensed premises.

11 (d) Except as provided in subsection (e), a beer dealer shall be
 12 entitled to sell beer to a customer and deliver it in permissible
 13 containers to the customer on the licensed premises, or to the
 14 customer's residence or office. A beer dealer shall not be entitled to sell
 15 and deliver beer on the street or at the curb outside the licensed
 16 premises, nor shall a beer dealer be entitled to sell beer at a place other
 17 than the licensed premises. **Except as provided in subsection (f)**, a
 18 beer dealer shall not be entitled to sell beer and deliver beer for
 19 ~~carry-out~~, **carryout**, or for delivery to a customer's residence or office,
 20 in a quantity that exceeds eight hundred sixty-four (864) ounces in a
 21 single transaction.

22 (e) ~~However~~, Notwithstanding IC 7.1-5-10-11, **and except as**
 23 **provided in subsection (f)**, a beer dealer who is licensed ~~pursuant to~~
 24 **under IC 7.1-3-10-4 as a package liquor store** shall be entitled to sell
 25 and deliver warm or cold beer for ~~carry-out~~, **carryout** or for delivery
 26 to a customer's residence, office, or a designated location in barrels or
 27 other commercial containers that do not exceed two thousand sixteen
 28 (2,016) ounces per container. This delivery may only be performed by
 29 the permit holder or an employee who holds an employee permit. The
 30 permit holder shall maintain a written record of each delivery for at
 31 least one (1) year that shows the customer's name, location of delivery,
 32 and quantity sold.

33 (f) **A package liquor store may sell cold beer to a customer for**
 34 **carryout only in sealed and unopened bottles, cans, or containers**
 35 **that have a capacity of:**

36 (1) **at least thirty-two (32) ounces by volume; or**

37 (2) **less than thirty-two (32) ounces by volume and are sold to**
 38 **the customer in quantities of at least twelve (12) bottles, cans,**
 39 **or containers.**

40 (e) (g) Unless a beer dealer is a grocery store or drug store, a beer
 41 dealer may not sell or deliver alcoholic beverages or any other item
 42 through a window in the licensed premises to a patron who is outside



1 the licensed premises. A beer dealer that is a grocery store or drug store
 2 may sell any item except alcoholic beverages through a window in the
 3 licensed premises to a patron who is outside the licensed premises.

4 SECTION 5. IC 7.1-3-6-3.8, AS ADDED BY P.L.214-2016,
 5 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2017]: Sec. 3.8. (a) Notwithstanding any other provision in
 7 this chapter, the commission may issue a temporary beer permit if all
 8 the following apply:

9 (1) The temporary beer permit is issued for a festival or event that
 10 meets all the following:

11 (A) The festival or event promotes, at least in part, beer
 12 manufactured at a brewery described in IC 7.1-3-2-7(5).

13 (B) The anticipated attendance of the festival or event is at
 14 least seven thousand five hundred (7,500) people.

15 (C) Adequate security measures will be provided at the festival
 16 or event.

17 (D) Individuals less than twenty-one (21) years of age will not
 18 be allowed to attend the festival or event.

19 (2) The applicant for the temporary beer permit:

20 (A) has held a brewer's permit for a brewery described in
 21 IC 7.1-3-2-7(5) for at least three (3) years; and

22 (B) pays an application fee to the commission of two thousand
 23 five hundred dollars (\$2,500).

24 (b) The commission may issue a temporary beer permit only for an
 25 area at a festival or event that is enclosed by fencing, barricades, or
 26 structures. The area may be an outside area that is contiguous to a
 27 brewery described in IC 7.1-3-2-7(5) or restaurant or at another
 28 location that is not on or near the premises of a brewery or restaurant.

29 (c) The commission may issue a temporary beer permit under this
 30 section for a term, up to and including, three (3) days from its issuance.

31 (d) The commission may not issue a temporary beer permit under
 32 this section to any one (1) person more than two (2) times in a calendar
 33 year.

34 (e) Notwithstanding any other provision of this title, the holder of
 35 the temporary beer permit may allow an individual who attends the
 36 festival or event to carry beer, in a quantity that does not exceed a total
 37 of two hundred eighty-eight (288) ounces, into the permitted area. Beer
 38 carried in to a festival or event under this subsection may be consumed
 39 or traded only in the permitted area.

40 (f) An individual who attends the festival or event may carry out
 41 beer in sealed, unopened containers from the temporary beer permit
 42 area.



1 **(g) The holder of the temporary permit is not subject to**
 2 **IC 7.1-3-4-6(d) or IC 7.1-3-5-3(f).**

3 SECTION 6. IC 7.1-3-6.1-6, AS ADDED BY P.L.153-2015,
 4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2017]: Sec. 6. (a) An individual must be present at the
 6 allowable event in order to win an alcoholic beverage prize. The prize
 7 winner must be given the alcoholic beverage prize in person by an
 8 individual designated by the qualified organization.

9 (b) The individual designated by the qualified organization to give
 10 away an alcoholic beverage prize must be at least twenty-one (21) years
 11 of age. The individual may not be required to obtain an employee's
 12 permit under IC 7.1-3-18-9 or a temporary bartender's permit under
 13 IC 7.1-3-18-11 to award a prize at an allowable event.

14 (c) **Except as provided in subsection (d)**, when giving away an
 15 alcoholic beverage prize, the individual designated by the qualified
 16 organization shall comply with IC 7.1-5-10-15, IC 7.1-5-10-23, and any
 17 other provision of this title that applies to the furnishing of alcoholic
 18 beverages for consumption off the premises.

19 **(d) A qualified organization is not subject to IC 7.1-3-4-6(d),**
 20 **IC 7.1-3-5-3(f), IC 7.1-3-9-9(d), 7.1-3-10-14, or IC 7.1-3-14-4(c).**

21 SECTION 7. IC 7.1-3-9-9 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The holder of a
 23 liquor retailer's permit shall be entitled to purchase liquor only from a
 24 permittee entitled to sell to ~~him~~ **the holder** under this title. A liquor
 25 retailer shall be entitled to possess liquor and sell it at retail to a
 26 customer for consumption on the licensed premises. A liquor retailer
 27 also shall be entitled to sell liquor to a customer and deliver it in
 28 permissible containers to the customer on the licensed premises, or to
 29 the customer's house.

30 (b) A liquor retailer shall not be entitled to sell liquor at wholesale.
 31 ~~He~~ **The liquor retailer** shall not be entitled to sell and deliver liquor
 32 on the street or at the curb outside the licensed premises, nor shall ~~he~~
 33 **the liquor retailer** be entitled to sell liquor at a place other than the
 34 licensed premises. However, a liquor retailer may offer food service
 35 (excluding alcoholic beverages) to a patron who is outside the licensed
 36 premises by transacting business through a window in the licensed
 37 premises.

38 (c) A liquor retailer shall not be entitled to sell and deliver liquor for
 39 ~~carry out~~, **carryout**, or for at-home delivery, in a quantity that exceeds
 40 four (4) quarts at any one (1) time.

41 **(d) Subject to subsection (c), a liquor retailer may sell cold**
 42 **liquor to a customer for carryout only in sealed and unopened**



1 **bottles, cans, or containers that have a capacity of:**

2 **(1) at least seven hundred fifty (750) milliliters by volume; or**

3 **(2) less than seven hundred fifty (750) milliliters by volume**
 4 **and are sold to the customer in quantities of at least six (6)**
 5 **bottles, cans, or containers.**

6 SECTION 8. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2017]: **Sec. 14. (a) A liquor dealer may sell cold alcoholic**
 9 **beverages to a customer for carryout only as set forth in this**
 10 **section.**

11 **(b) Cold beer may be sold to a customer for carryout only in**
 12 **sealed and unopened bottles, cans, or containers that have a**
 13 **capacity of:**

14 **(1) at least thirty-two (32) ounces by volume; or**

15 **(2) less than thirty-two (32) ounces by volume and are sold to**
 16 **the customer in quantities of at least twelve (12) bottles, cans,**
 17 **or containers.**

18 **(c) Cold wine or cold liquor may be sold to a customer for**
 19 **carryout only in sealed and unopened bottles, cans, and containers**
 20 **that have a capacity of:**

21 **(1) at least seven hundred fifty (750) milliliters by volume; or**

22 **(2) less than seven hundred fifty (750) milliliters by volume**
 23 **and are sold to the customer in quantities of at least twelve**
 24 **(12) bottles, cans, or containers.**

25 SECTION 9. IC 7.1-3-14-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 4. (a) The holder of a**
 27 **wine retailer's permit is entitled to purchase wine only from a permittee**
 28 **entitled to sell to the wine retailer under this title. A wine retailer is**
 29 **entitled to possess wine and sell it at retail to a customer for**
 30 **consumption on the licensed premises. A wine retailer is also entitled**
 31 **to sell wine to a customer and deliver it in permissible containers to the**
 32 **customer on the licensed premises or to the customer's house.**

33 **(b) A wine retailer is not entitled to sell wine at wholesale. A wine**
 34 **retailer is not entitled to sell and deliver wine on the street or at the**
 35 **curb outside the licensed premises, nor is the wine retailer entitled to**
 36 **sell wine at a place other than the licensed premises. However, a wine**
 37 **retailer may offer food service (excluding alcoholic beverages) to a**
 38 **patron who is outside the licensed premises by transacting business**
 39 **through a window in the licensed premises.**

40 **(c) A wine retailer is entitled to sell and deliver wine for carry out**
 41 **carryout or for at-home delivery. A wine retailer may sell cold wine**
 42 **to a customer for carryout only in sealed and unopened bottles,**



1 **cans, or containers that have a capacity of:**

2 **(1) at least seven hundred fifty (750) milliliters by volume; or**

3 **(2) less than seven hundred fifty (750) milliliters by volume**
 4 **and are sold to the customer in quantities of at least twelve**
 5 **(12) bottles, cans, or containers.**

6 SECTION 10. IC 7.1-3-15-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The holder of a
 8 wine dealer's permit shall be entitled to purchase wine only from a
 9 permittee who is authorized to sell to a wine dealer under this title. A
 10 wine dealer shall be entitled to sell wine for consumption off the
 11 licensed premises only and not by the drink.

12 (b) **Except as provided in subsection (e)**, a wine dealer shall be
 13 entitled to sell wine in permissible containers in a quantity of not more
 14 than three (3) standard cases, as determined under the rules of the
 15 commission, in a single transaction. However, a wine dealer who is
 16 licensed under IC 7.1-3-10-4 may possess wine and sell it at retail in its
 17 original package to a customer only for consumption off the licensed
 18 premises.

19 (c) Unless a wine dealer is a grocery store or drug store, a wine
 20 dealer may not sell or deliver alcoholic beverages or any other item
 21 through a window in the licensed premises to a patron who is outside
 22 the licensed premises. A wine dealer that is a grocery store or drug
 23 store may sell any item except alcoholic beverages through a window
 24 in the licensed premises to a person who is outside the licensed
 25 premises.

26 (d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may
 27 deliver wine only in permissible containers to a customer's residence,
 28 office, or designated location. This delivery may only be performed by
 29 the permit holder or an employee who holds an employee permit. The
 30 permit holder shall maintain a written record of each delivery for at
 31 least one (1) year that shows the customer's name, location of delivery,
 32 and quantity sold.

33 (e) **A wine dealer may sell cold wine to a customer for carryout**
 34 **only in sealed and unopened bottles, cans, and containers that have**
 35 **a capacity of:**

36 **(1) at least seven hundred fifty (750) milliliters by volume; or**

37 **(2) less than seven hundred fifty (750) milliliters by volume**
 38 **and are sold to the customer in quantities of at least twelve**
 39 **(12) bottles, cans, or containers.**

