



January 15, 2020

SENATE BILL No. 167

DIGEST OF SB 167 (Updated January 13, 2020 2:24 pm - DI 135)

Citations Affected: IC 7.1-3.

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.

Ford Jon

January 6, 2020, read first time and referred to Committee on Rules and Legislative Procedure.

January 14, 2020, amended; reassigned to Committee on Public Policy.

SB 167—LS 6059/DI 13



January 15, 2020

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.

SENATE BILL No. 167

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)

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- 1 feet from a wall of a church or school;
- 2 (B) the commission receives a written statement from the
- 3 authorized representative of the church or school stating
- 4 expressly that the church or school does not object to the
- 5 issuance of the permit for the premises; and
- 6 (C) the commission determines that the church or school does
- 7 not object to the issuance of the permit for the premises; or
- 8 (2) church or school that applies for a temporary beer or wine
- 9 permit.
- 10 ~~(d)~~ (e) The commission shall base its determination under
- 11 subsection ~~(e)(1)(C)~~ **(d)(1)(C)** solely on the written statement of the
- 12 authorized representative of the church or school.
- 13 ~~(e)~~ (f) If the commission does not receive the written statement of
- 14 the authorized representative of the church or school, the premises of
- 15 the grocery store, drug store, restaurant, hotel, catering hall, **brewery**,
- 16 or location for which the use of a supplemental catering permit has
- 17 been approved may not obtain the waiver allowed under this section.
- 18 ~~(f)~~ (g) If the commission determines that the church or school does
- 19 not object, this section and ~~IC 7-1-3-21-10~~ **section 10 of this chapter**
- 20 do not apply to the permit premises of the grocery store, drug store,
- 21 restaurant, hotel, **brewery**, or catering hall on a subsequent renewal or
- 22 transfer of ownership.
- 23 ~~(g)~~ (h) If the commission:
- 24 (1) receives a written statement from the authorized
- 25 representative of a church or school as described in subsection
- 26 ~~(e)(1)(B)~~; **(d)(1)(B)**; and
- 27 (2) determines the church or school does not object as described
- 28 in subsection ~~(e)(1)(C)~~; **(d)(1)(C)**;
- 29 the commission may not consider subsequent objections from the
- 30 church or school to the issuance of the same permit type at the same
- 31 premises location.
- 32 ~~(h)~~ (i) The commission may issue a permit for a premises if the wall
- 33 of the premises and the wall of a church are separated by at least
- 34 eighty-five (85) feet, including a two (2) lane road of at least thirty (30)
- 35 feet in width.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 167, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Public Policy.

(Reference is to SB 167 as introduced.)

BRAY, Chairperson

