



Reprinted
February 24, 2015

SENATE BILL No. 297

DIGEST OF SB 297 (Updated February 23, 2015 3:30 pm - DI 110)

Citations Affected: IC 7.1-3; IC 7.1-4; IC 7.1-5; IC 9-21.

Synopsis: Small brewer barrel limits. Changes the number of barrels of beer that a small brewer may manufacture in a calendar year for sale or distribution within Indiana from 30,000 to 90,000. Provides that the barrel limits apply to the aggregate number of barrels of beer that the small brewer manufactures at all the small brewer's breweries. Prohibits a small brewer from selling and delivering more than a total of 30,000 barrels of beer in a calendar year directly to a person holding an alcoholic beverage retailer or dealer permit. Makes conforming changes to brewery and brewer permit provisions. Makes a technical correction.

Effective: July 1, 2015.

**Alting, Merritt, Messmer, Ford,
Lanane**

January 8, 2015, read first time and referred to Committee on Public Policy.
February 19, 2015, amended, reported favorably — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.

SB 297—LS 6084/DI 110



Reprinted
February 24, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 297

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 7.1-3-2-2, AS AMENDED BY P.L.71-2012,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. (a) The commission may issue a brewer's
4 permit for a brewery that manufactures more than ~~thirty~~ **ninety**
5 thousand ~~(30,000)~~ **(90,000)** barrels of beer in a calendar year for sale
6 or distribution within Indiana. **The commission may issue a brewer's**
7 **permit under this subsection for a brewery that manufactures not**
8 **more than ninety thousand (90,000) barrels of beer in a calendar**
9 **year for sale or distribution within Indiana if the brewer holds**
10 **more than one (1) brewer's permit and manufactures, at all of the**
11 **brewer's breweries located in Indiana, an aggregate of more than**
12 **ninety thousand (90,000) barrels of beer in a calendar year for sale**
13 **or distribution within Indiana.** The commission may issue a permit
14 under this subsection only to:
15 (1) an individual;
16 (2) a partnership, all the partners of which are bona fide residents

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- 1 of Indiana;
- 2 (3) a limited liability company, all the members of which are bona
- 3 fide residents of Indiana; or
- 4 (4) a corporation organized and existing under the laws of Indiana
- 5 and having authority under its charter to manufacture or sell beer.
- 6 The permit does not limit the number of barrels of beer in a calendar
- 7 year that the brewer may manufacture for sale or distribution outside
- 8 Indiana.
- 9 (b) The commission may issue a brewer's permit to a brewer for a
- 10 brewery that manufactures not more than ~~thirty~~ **ninety** thousand
- 11 ~~(30,000)~~ **(90,000)** barrels of beer in a calendar year for sale or
- 12 distribution within Indiana. **The commission may issue more than**
- 13 **one (1) permit under this subsection to a brewer if the brewer**
- 14 **manufactures, at all of the brewer's breweries located in Indiana,**
- 15 **an aggregate of not more than ninety thousand (90,000) barrels of**
- 16 **beer in a calendar year for sale or distribution within Indiana.** The
- 17 commission may issue a permit under this subsection only to:
- 18 (1) an individual;
- 19 (2) a partnership organized and existing under the laws of
- 20 Indiana;
- 21 (3) a limited liability company organized and existing under the
- 22 laws of Indiana; or
- 23 (4) a corporation organized and existing under the laws of
- 24 Indiana.
- 25 The permit does not limit the number of barrels of beer in a calendar
- 26 year that the brewer may manufacture for sale or distribution outside
- 27 Indiana.
- 28 SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.71-2012,
- 29 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2015]: Sec. 7. The holder of a brewer's permit or an
- 31 out-of-state brewer holding either a primary source of supply permit or
- 32 an out-of-state brewer's permit may do the following:
- 33 (1) Manufacture beer.
- 34 (2) Place beer in containers or bottles.
- 35 (3) Transport beer.
- 36 (4) Sell and deliver beer to a person holding a beer wholesaler's
- 37 permit issued under IC 7.1-3-3.
- 38 (5) If the ~~brewer's brewery~~ **brewer** manufactures, **at all of the**
- 39 **brewer's breweries located in Indiana, an aggregate of not**
- 40 **more than ~~thirty~~ **ninety** thousand ~~(30,000)~~ **(90,000)** barrels of**
- 41 **beer in a calendar year for sale or distribution within Indiana, the**
- 42 **permit holder may do the following:**



- 1 (A) Sell and deliver **a total of not more than thirty thousand**
 2 **(30,000) barrels of beer in a calendar year** to a person
 3 holding a retailer or a dealer permit under this title. **The total**
 4 **number of barrels of beer that the permit holder may sell**
 5 **and deliver under this clause in a calendar year may not**
 6 **exceed thirty thousand (30,000) barrels of beer.**
- 7 (B) Be the proprietor of a restaurant.
- 8 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
 9 liquor retailer's permit for a restaurant established under clause
 10 (B).
- 11 (D) Transfer beer directly from the brewery to the restaurant
 12 by means of:
 13 (i) bulk containers; or
 14 (ii) a continuous flow system.
- 15 (E) Install a window between the brewery and an adjacent
 16 restaurant that allows the public and the permittee to view both
 17 premises.
- 18 (F) Install a doorway or other opening between the brewery
 19 and an adjacent restaurant that provides the public and the
 20 permittee with access to both premises.
- 21 (G) Sell the brewery's beer by the glass for consumption on the
 22 premises. Brewers permitted to sell beer by the glass under
 23 this clause must furnish the minimum food requirements
 24 prescribed by the commission.
- 25 (H) Sell and deliver beer to a consumer at the permit premises
 26 of the brewer or at the residence of the consumer. The delivery
 27 to a consumer may be made only in a quantity at any one (1)
 28 time of not more than one-half (1/2) barrel, but the beer may
 29 be contained in bottles or other permissible containers.
- 30 (I) Sell the brewery's beer as authorized by this section for
 31 carryout on Sunday in a quantity at any one (1) time of not
 32 more than five hundred seventy-six (576) ounces. A brewer's
 33 beer may be sold under this clause at any address for which the
 34 brewer holds a brewer's permit issued under this chapter if the
 35 address is located within the same city boundaries in which the
 36 beer was manufactured.
- 37 (6) If the brewer's brewery manufactures more than ~~thirty ninety~~
 38 ~~thousand (30,000)~~ **(90,000)** barrels of beer in a calendar year for
 39 sale or distribution within Indiana, the permit holder may own a
 40 portion of the corporate stock of another brewery that:
 41 (A) is located in the same county as the brewer's brewery;
 42 (B) manufactures less than ~~thirty ninety~~ thousand ~~(30,000)~~



- 1 **(90,000)** barrels of beer in a calendar year; and
 2 (C) is the proprietor of a restaurant that operates under
 3 subdivision (5).
 4 (7) Provide complimentary samples of beer that are:
 5 (A) produced by the brewer; and
 6 (B) offered to consumers for consumption on the brewer's
 7 premises.
 8 (8) Own a portion of the corporate stock of a sports corporation
 9 that:
 10 (A) manages a minor league baseball stadium located in the
 11 same county as the brewer's brewery; and
 12 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 13 liquor retailer's permit for a restaurant located in that stadium.
 14 (9) For beer described in IC 7.1-1-2-3(a)(4):
 15 (A) may allow transportation to and consumption of the beer
 16 on the licensed premises; and
 17 (B) may not sell, offer to sell, or allow sale of the beer on the
 18 licensed premises.

19 SECTION 3. IC 7.1-3-22-1, AS AMENDED BY P.L.71-2012,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2015]: Sec. 1. (a) This section applies to a ~~brewer~~ **brewery**
 22 that manufactures more than ~~thirty ninety~~ thousand ~~(30,000)~~ **(90,000)**
 23 barrels of beer in a calendar year for sale or distribution within Indiana.

24 (b) The commission may issue and have outstanding only one (1)
 25 brewer's permit for each unit of population of this state of one hundred
 26 and seventy-five thousand (175,000) or major fraction thereof. The
 27 commission, however, shall not issue more than four (4) brewer's
 28 permits in the same congressional district.

29 SECTION 4. IC 7.1-3-23-23, AS AMENDED BY P.L.71-2012,
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]: Sec. 23. (a) This section applies to a brewer that
 32 manufactures, **in aggregate**, more than ~~thirty ninety~~ thousand ~~(30,000)~~
 33 **(90,000)** barrels of beer in a calendar year for sale or distribution
 34 within Indiana.

35 (b) The commission shall revoke the permit of a brewer or beer
 36 wholesaler who holds an interest in another permit in violation of
 37 IC 7.1-5-9-3.

38 SECTION 5. IC 7.1-3-27-5, AS ADDED BY P.L.109-2013,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2015]: Sec. 5. (a) Except as provided in section 7 of this
 41 chapter, an applicant for an artisan distiller's permit must meet all the
 42 following requirements to be eligible for an artisan distiller's permit:



- 1 (1) The permit applicant must hold one (1) of the following
 2 permits for the three (3) year period immediately preceding the
 3 date of the application:
- 4 (A) A farm winery permit under IC 7.1-3-12.
 5 (B) A brewer's permit for a brewery described in
 6 ~~IC 7.1-3-2-7(5)~~; **issued under IC 7.1-3-2-2(b)**.
 7 (C) A distiller's permit under IC 7.1-3-7.
- 8 (2) The permit applicant may not have more than one (1) violation
 9 of this title during the three (3) year period immediately preceding
 10 the date of the application.
- 11 (3) The permit applicant may not have any violation of this title
 12 during the twelve (12) month period immediately preceding the
 13 date of the permit application.
- 14 (b) As used in this subsection, "qualifying permit" means a farm
 15 winery, brewer's, or distiller's permit under subsection (a)(1)(A),
 16 (a)(1)(B), or (a)(1)(C) that is required in order to hold an artisan
 17 distiller's permit. The same persons must directly or indirectly own and
 18 control one hundred percent (100%) of the entity that holds the
 19 qualifying permit and the artisan distiller's permit.
- 20 SECTION 6. IC 7.1-3-27-6, AS AMENDED BY P.L.70-2014,
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 6. (a) A holder of an artisan distiller's permit may
 23 also hold one (1) of the following:
- 24 (1) A farm winery permit.
 25 (2) A brewer's permit for a brewery described in ~~IC 7.1-3-2-7(5)~~;
 26 **issued under IC 7.1-3-2-2(b)**.
 27 (3) A distiller's permit under IC 7.1-3-7.
- 28 (b) A holder of an artisan distiller's permit who also holds a permit
 29 described under subsection (a)(2) may hold a beer retailer's permit, a
 30 wine retailer's permit, or a liquor retailer's permit for a restaurant as
 31 described in IC 7.1-3-2-7(5)(C).
- 32 SECTION 7. IC 7.1-3-27-13, AS AMENDED BY P.L.159-2014,
 33 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 13. (a) This section applies only to a person who:
 35 (1) holds an artisan distiller's permit; and
 36 (2) holds an interest in a brewer's permit for a brewery described
 37 in ~~IC 7.1-3-2-7(5)~~; **issued under IC 7.1-3-2-2(b)**.
 38 (b) An artisan distiller may:
 39 (1) serve samples of liquor that the artisan distiller manufactures;
 40 and
 41 (2) sell bottles and cases of liquor that the artisan distiller
 42 manufactures;



1 on the licensed premises where the beer is manufactured only if the
 2 beer is manufactured on the same premises where the artisan distiller
 3 manufactures liquor.

4 (c) A person to whom this section applies who knowingly or
 5 intentionally violates this section commits a Class B misdemeanor.

6 SECTION 8. IC 7.1-4-4.1-14, AS AMENDED BY P.L.71-2012,
 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 14. (a) This section applies to the following
 9 permits:

- 10 (1) Brewer's permit for the manufacture of more than ~~thirty~~ **ninety**
 11 thousand ~~(30,000)~~ **(90,000)** barrels of beer in a calendar year for
 12 sale or distribution within Indiana.
- 13 (2) Distiller's permit.
- 14 (3) Malt manufacturer's permit.
- 15 (4) Rectifier's permit.
- 16 (5) Vintner's permit.
- 17 (6) Wine bottler's permit.

18 (b) A permit fee of two thousand dollars (\$2,000) is annually
 19 imposed for the issuance of each permit described in subsection (a).

20 SECTION 9. IC 7.1-4-4.1-16, AS AMENDED BY P.L.71-2012,
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 16. The annual fee for a brewer's permit ~~for the~~
 23 ~~manufacture of not more than thirty thousand (30,000) barrels of beer~~
 24 ~~in a calendar year for sale or distribution within Indiana described in~~
 25 **IC 7.1-3-2-2(b)** is five hundred dollars (\$500).

26 SECTION 10. IC 7.1-5-3-1, AS AMENDED BY P.L.159-2014,
 27 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 1. (a) This section does not apply to the following:

- 29 (1) An establishment where alcoholic beverages are sold that is
 30 owned, in whole or part, by an entity that holds a brewer's permit
 31 ~~for a brewery described under IC 7.1-3-2-7(5):~~ **issued under**
 32 **IC 7.1-3-2-2(b).**
- 33 (2) An establishment where alcoholic beverages are sold that is
 34 owned, in whole or part, by a statewide trade organization
 35 consisting of members, each of whom holds a brewer's permit ~~for~~
 36 ~~a brewery described under IC 7.1-3-2-7(5):~~ **issued under**
 37 **IC 7.1-3-2-2(b).**

38 (b) Except as provided in section 6 of this chapter, it is unlawful to
 39 sell beer in this state at retail in a bottle, can, or other container, unless
 40 the bottle, can, or other container was packaged and sealed by the
 41 brewer at the brewer's bottling house contiguous or adjacent to the
 42 brewery in which the beer was produced.



1 (c) A person who knowingly or intentionally violates subsection (b)
2 commits a Class B misdemeanor.

3 SECTION 11. IC 7.1-5-3-4, AS AMENDED BY P.L.159-2014,
4 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 4. (a) This section does not apply to the following:

6 (1) The necessary refilling of a container by a person holding a
7 permit that authorizes the person to manufacture, rectify, or bottle
8 liquor.

9 (2) An establishment where alcoholic beverages are sold that is
10 owned, in whole or part, by an entity that holds a brewer's permit
11 for a ~~brewery described under IC 7.1-3-2-7(5)~~. **issued under**
12 **IC 7.1-3-2-2(b)**.

13 (3) An establishment where alcoholic beverages are sold that is
14 owned, in whole or part, by a statewide trade organization
15 consisting of members, each of whom holds a brewer's permit for
16 a ~~brewery described under IC 7.1-3-2-7(5)~~. **issued under**
17 **IC 7.1-3-2-2(b)**.

18 (4) The refilling of a bottle or container or possession of a refilled
19 bottle or container if the refilling or possession is not for resale or
20 another commercial purpose.

21 (b) Except as provided in section 6 of this chapter, it is unlawful for
22 a person to:

23 (1) refill a bottle or container, in whole or in part, with an
24 alcoholic beverage; or

25 (2) knowingly possess a bottle or container that has been refilled,
26 in whole or in part, with an alcoholic beverage;

27 after the container of liquor has been emptied in whole or in part.

28 (c) A person who knowingly or intentionally violates subsection (a)
29 or (b) commits a Class B misdemeanor.

30 SECTION 12. IC 7.1-5-9-3, AS AMENDED BY P.L.159-2014,
31 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2015]: Sec. 3. (a) This section applies to a brewer that
33 manufactures, **in aggregate**, more than ~~thirty~~ **ninety** thousand (~~30,000~~)
34 **(90,000)** barrels of beer in a calendar year for sale or distribution
35 within Indiana.

36 (b) It is unlawful for the holder of a brewer's or beer wholesaler's
37 permit to have an interest in a liquor permit of any type under this title.

38 (c) A person who knowingly or intentionally violates this section
39 commits a Class B misdemeanor.

40 SECTION 13. IC 7.1-5-9-6, AS AMENDED BY P.L.159-2014,
41 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2015]: Sec. 6. (a) It is unlawful for the holder of a distiller's,



1 rectifier's, or liquor wholesaler's permit to have an interest in a beer
 2 permit of any type under this title. This section does not apply to the
 3 holder of an artisan distiller's permit that has an interest in a brewer's
 4 permit ~~under IC 7.1-3-2-7(5)~~. **issued under IC 7.1-3-2-2(b).**

5 (b) A person who knowingly or intentionally violates this section
 6 commits a Class B misdemeanor.

7 SECTION 14. IC 7.1-5-9-10, AS AMENDED BY THE
 8 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL
 9 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 10. (a) Except as provided in subsection (b), it is
 11 unlawful for a holder of a retailer's permit of any type to acquire, hold,
 12 own, or possess an interest of any type in a manufacturer's or
 13 wholesaler's permit of any type.

14 (b) It is lawful for a holder of a retailer's permit of any type to
 15 acquire, hold, own, or possess an interest of any type in:

16 (1) a brewer's permit for a ~~brewery that manufactures not more~~
 17 ~~than thirty thousand (30,000) barrels of beer in a calendar year for~~
 18 ~~sale or distribution within Indiana;~~ **issued under IC 7.1-3-2-2(b);**
 19 and

20 (2) an artisan distiller's permit if the holder of the retailer's permit
 21 also holds a brewer's permit described in subdivision (1).

22 (c) A person who knowingly or intentionally violates subsection (a)
 23 commits a Class B misdemeanor.

24 SECTION 15. IC 9-21-4-5, AS AMENDED BY P.L.94-2008,
 25 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b), a
 27 person may not place or maintain upon a highway a traffic sign or
 28 signal bearing commercial advertising. A public authority may not
 29 permit the placement of a traffic sign or signal that bears a commercial
 30 message.

31 (b) Under criteria to be jointly established by the Indiana
 32 department of transportation and the office of tourism development, the
 33 Indiana department of transportation may authorize the posting of any
 34 of the following:

35 (1) Limited tourist attraction signage.

36 (2) Business signs on specific information panels on the interstate
 37 system of highways and other freeways.

38 All costs of manufacturing, installation, and maintenance to the Indiana
 39 department of transportation for a business sign posted under this
 40 subsection shall be paid by the business.

41 (c) Criteria established under subsection (b) for tourist attraction
 42 signage must include a category for a tourist attraction that:



- 1 (1) is a trademarked destination brand; and
 2 (2) encompasses buildings, structures, sites, or other facilities that
 3 are:
 4 (A) listed on the National Register of Historic Places
 5 established under 16 U.S.C. 470 et seq.; or
 6 (B) listed on the register of Indiana historic sites and historic
 7 structures established under IC 14-21-1;
 8 regardless of the distance of the tourist attraction from the highway on
 9 which the tourist attraction signage is placed.
 10 (d) Criteria established under subsection (b) for tourist attraction
 11 signage must include a category for a tourist attraction that is an
 12 establishment ~~licensed under IC 7.1-3-2-7(5)~~. **issued a brewer's**
 13 **permit under IC 7.1-3-2-2(b).**
 14 (e) A person may not place, maintain, or display a flashing, a
 15 rotating, or an alternating light, beacon, or other lighted device that:
 16 (1) is visible from a highway; and
 17 (2) may be mistaken for or confused with a traffic control device
 18 or for an authorized warning device on an emergency vehicle.
 19 (f) This section does not prohibit the erection, upon private property
 20 adjacent to highways, of signs giving useful directional information and
 21 of a type that cannot be mistaken for official signs.



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 297, 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:

Page 1, line 4, delete "sixty" and insert "**ninety**".

Page 1, line 5, delete "(60,000)" and insert "**(90,000)**".

Page 1, line 6, after "Indiana." insert "**The commission may issue a brewer's permit under this subsection for a brewery that manufactures not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana if the brewer holds more than one (1) brewer's permit and manufactures, at all of the brewer's breweries located in Indiana, an aggregate of more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana.**".

Page 2, line 3, delete "sixty" and insert "**ninety**".

Page 2, line 4, delete "(60,000)" and insert "**(90,000)**".

Page 2, line 5, after "Indiana." insert "**The commission may issue more than one (1) permit under this subsection to a brewer if the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana.**".

Page 2, line 27, strike "brewer's brewery" and insert "**brewer**".

Page 2, line 27, after "manufactures" insert "**, at all of the brewer's breweries located in Indiana, an aggregate of**".

Page 2, line 28, delete "sixty" and insert "**ninety**".

Page 2, line 28, delete "(60,000)" and insert "**(90,000)**".

Page 2, line 31, after "deliver" insert "**a total of not more than thirty thousand (30,000) barrels of**".

Page 2, line 31, after "beer" insert "**in a calendar year**".

Page 2, line 32, after "title." insert "**The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.**".

Page 3, line 21, delete "sixty" and insert "**ninety**".

Page 3, line 22, delete "(60,000)" and insert "**(90,000)**".

Page 3, line 26, delete "sixty" and insert "**ninety**".

Page 3, line 27, delete "(60,000)" and insert "**(90,000)**".

Page 4, line 5, strike "brewer" and insert "**brewery**".

Page 4, line 6, delete "sixty" and insert "**ninety**".



Page 4, line 6, delete "(60,000)" and insert "**(90,000)**".

Page 4, line 16, after "manufactures" insert "**at any one (1) brewery**".

Page 4, line 16, delete "sixty" and insert "**ninety**".

Page 4, line 16, delete "(60,000)" and insert "**(90,000)**".

Page 4, between lines 20 and 21, begin a new paragraph and insert:
 "SECTION 5. IC 7.1-3-27-5, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in section 7 of this chapter, an applicant for an artisan distiller's permit must meet all the following requirements to be eligible for an artisan distiller's permit:

(1) The permit applicant must hold one (1) of the following permits for the three (3) year period immediately preceding the date of the application:

(A) A farm winery permit under IC 7.1-3-12.

(B) A brewer's permit ~~for a brewery described in IC 7.1-3-2-7(5):~~ **issued under IC 7.1-3-2-2(b).**

(C) A distiller's permit under IC 7.1-3-7.

(2) The permit applicant may not have more than one (1) violation of this title during the three (3) year period immediately preceding the date of the application.

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

(b) As used in this subsection, "qualifying permit" means a farm winery, brewer's, or distiller's permit under subsection (a)(1)(A), (a)(1)(B), or (a)(1)(C) that is required in order to hold an artisan distiller's permit. The same persons must directly or indirectly own and control one hundred percent (100%) of the entity that holds the qualifying permit and the artisan distiller's permit.

SECTION 6. IC 7.1-3-27-6, AS AMENDED BY P.L.70-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A holder of an artisan distiller's permit may also hold one (1) of the following:

(1) A farm winery permit.

(2) A brewer's permit ~~for a brewery described in IC 7.1-3-2-7(5):~~ **issued under IC 7.1-3-2-2(b).**

(3) A distiller's permit under IC 7.1-3-7.

(b) A holder of an artisan distiller's permit who also holds a permit described under subsection (a)(2) may hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant as described in IC 7.1-3-2-7(5)(C).



SECTION 7. IC 7.1-3-27-13, AS AMENDED BY P.L.159-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) This section applies only to a person who:

- (1) holds an artisan distiller's permit; and
- (2) holds an interest in a brewer's permit **for a brewery described in IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).**

(b) An artisan distiller may:

- (1) serve samples of liquor that the artisan distiller manufactures; and
- (2) sell bottles and cases of liquor that the artisan distiller manufactures;

on the licensed premises where the beer is manufactured only if the beer is manufactured on the same premises where the artisan distiller manufactures liquor.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor."

Page 4, line 25, delete "sixty" and insert "**ninety**".

Page 4, line 26, delete "(60,000)" and insert "**(90,000)**".

Page 4, delete lines 35 through 40, begin a new paragraph and insert:

"SECTION 9. IC 7.1-4-4.1-16, AS AMENDED BY P.L.71-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. The annual fee for a brewer's permit **for the manufacture of not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana described in IC 7.1-3-2-2(b)** is five hundred dollars (\$500).

SECTION 10. IC 7.1-5-3-1, AS AMENDED BY P.L.159-2014, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This section does not apply to the following:

- (1) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit **for a brewery described under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).**
- (2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit **for a brewery described under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).**

(b) Except as provided in section 6 of this chapter, it is unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at the brewer's bottling house contiguous or adjacent to the



brewery in which the beer was produced.

(c) A person who knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

SECTION 11. IC 7.1-5-3-4, AS AMENDED BY P.L.159-2014, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section does not apply to the following:

(1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit ~~for a brewery described under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit ~~for a brewery described under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(4) The refilling of a bottle or container or possession of a refilled bottle or container if the refilling or possession is not for resale or another commercial purpose.

(b) Except as provided in section 6 of this chapter, it is unlawful for a person to:

(1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or

(2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor."

Page 5, line 2, after "manufactures" insert "**at any one (1) brewery**".

Page 5, line 2, delete "sixty" and insert "**ninety**".

Page 5, line 2, delete "(60,000)" and insert "**(90,000)**".

Page 5, delete lines 8 through 23, begin a new paragraph and insert: "SECTION 13. IC 7.1-5-9-6, AS AMENDED BY P.L.159-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) It is unlawful for the holder of a distiller's, rectifier's, or liquor wholesaler's permit to have an interest in a beer permit of any type under this title. This section does not apply to the holder of an artisan distiller's permit that has an interest in a brewer's permit ~~under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~



(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 14. IC 7.1-5-9-10, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in:

- (1) a brewer's permit ~~for a brewery that manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana;~~ **issued under IC 7.1-3-2-2(b);** and
- (2) an artisan distiller's permit if the holder of the retailer's permit also holds a brewer's permit described in subdivision (1).

(c) A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.

SECTION 15. IC 9-21-4-5, AS AMENDED BY P.L.94-2008, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:

- (1) Limited tourist attraction signage.
- (2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that:

- (1) is a trademarked destination brand; and
- (2) encompasses buildings, structures, sites, or other facilities that are:

- (A) listed on the National Register of Historic Places



established under 16 U.S.C. 470 et seq.; or
 (B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1; regardless of the distance of the tourist attraction from the highway on which the tourist attraction signage is placed.

(d) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that is an establishment ~~licensed under IC 7.1-3-2-7(5)~~. **issued a brewer's permit under IC 7.1-3-2-2(b).**

(e) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

- (1) is visible from a highway; and
- (2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(f) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 297 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 297 be amended to read as follows:

Page 4, line 32, delete "manufactures at any one (1) brewery" and insert "manufactures, **in aggregate**,".

Page 7, line 33, delete "manufactures at any one (1) brewery" and insert "manufactures, **in aggregate**,".

(Reference is to SB 297 as printed February 20, 2015.)

ALTING

