

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 ENROLLED ACT No. 297

AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 7.1-3-2-2, AS AMENDED BY P.L.71-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The commission may issue a brewer's permit for a brewery that manufactures more than ~~thirty~~ **ninety** thousand ~~(30,000)~~ **(90,000)** barrels of beer in a calendar year for sale or distribution within Indiana. **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.** The commission may issue a permit under this subsection only to:

- (1) an individual;
- (2) a partnership, all the partners of which are bona fide residents of Indiana;
- (3) a limited liability company, all the members of which are bona fide residents of Indiana; or
- (4) a corporation organized and existing under the laws of Indiana

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and having authority under its charter to manufacture or sell beer. The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

(b) The commission may issue a brewer's permit to a brewer for a brewery that manufactures not more than ~~thirty~~ **ninety** thousand ~~(30,000)~~ **(90,000)** barrels of beer in a calendar year for sale or distribution within Indiana. **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.** The commission may issue a permit under this subsection only to:

- (1) an individual;
- (2) a partnership organized and existing under the laws of Indiana;
- (3) a limited liability company organized and existing under the laws of Indiana; or
- (4) a corporation organized and existing under the laws of Indiana.

The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.71-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the ~~brewer's brewery~~ **brewer** manufactures, **at all of the brewer's breweries located in Indiana, an aggregate of not more than ~~thirty~~ ninety thousand ~~(30,000)~~ (90,000) barrels of beer in a calendar year for sale or distribution within Indiana,** the permit holder may do the following:
 - (A) Sell and deliver **a total of not more than thirty thousand (30,000) barrels of beer in a calendar year** to a person holding a retailer or a dealer permit under this title. **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.

(B) Be the proprietor of a restaurant.

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

(D) Transfer beer directly from the brewery to the restaurant by means of:

(i) bulk containers; or

(ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must furnish the minimum food requirements prescribed by the commission.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

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

(A) is located in the same county as the brewer's brewery;

(B) manufactures less than ~~thirty ninety~~ thousand ~~(30,000)~~ **(90,000)** barrels of beer in a calendar year; and

(C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:



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

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

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

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

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

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.

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(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.

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

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

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

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.

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

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

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

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).~~

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(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.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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