



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1396 be amended to read as follows:

- 1           Page 15, between lines 14 and 15, begin a new paragraph and insert:  
2           "SECTION 26. IC 7.1-3-12-5, AS AMENDED BY P.L.285-2019,  
3           SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2021]: Sec. 5. (a) The following apply to the holder of a farm  
5           winery permit:  
6           (1) A holder is entitled to manufacture wine and to **bottle place**  
7           wine produced by the permit holder's farm winery **in bottles or**  
8           **other permissible containers.**  
9           (2) A holder is entitled to serve complimentary samples of the  
10           winery's wine on the licensed premises or an outside area that is  
11           contiguous to the licensed premises, as approved by the  
12           commission if each employee who serves wine on the licensed  
13           premises:  
14           (A) holds an employee's permit under IC 7.1-3-18-9; and  
15           (B) completes a server training program approved by the  
16           commission.  
17           (3) A holder is entitled to sell the winery's wine on the licensed  
18           premises to consumers either by:  
19           (A) the glass;  
20           (B) the bottle;  
21           (C) a box that contains a bag designed for storing and  
22           dispensing wine; **or**  
23           (D) any combination of receptacles listed in clauses (A)  
24           through (C); **or**  
25           **(E) any other container permissible under federal law.**  
26           (4) A holder is entitled to sell the winery's wine to consumers by  
27           the bottle at a farmers' market that is operated on a nonprofit

- 1 basis.
- 2 (5) A holder is entitled to sell wine by:
- 3 (A) the bottle;
- 4 **(B) the can;**
- 5 ~~(B)~~ **(C)** a box that contains a bag designed for storing and
- 6 dispensing wine;
- 7 ~~(C)~~ **(D)** bulk container;
- 8 ~~(D)~~ **(E)** the case; or
- 9 ~~(E)~~ **(F)** any combination of receptacles listed in clauses (A)
- 10 through ~~(D)~~; **(E)**;
- 11 to a person who is the holder of a permit to sell wine at wholesale.
- 12 (6) A holder is exempt from the provisions of IC 7.1-3-14.
- 13 (7) A holder is entitled to advertise the name and address of any
- 14 retailer or dealer who sells wine produced by the permit holder's
- 15 winery.
- 16 (8) A holder for wine described in IC 7.1-1-2-3(a)(4):
- 17 (A) may allow transportation to and consumption of the wine
- 18 on the licensed premises; and
- 19 (B) may not sell, offer to sell, or allow the sale of the wine on
- 20 the licensed premises.
- 21 (9) A holder is entitled to purchase and sell bulk wine as set forth
- 22 in this chapter.
- 23 (10) A holder is entitled to sell wine as authorized by this section
- 24 for carryout on Sunday.
- 25 (11) A holder is entitled to sell and ship the farm winery's wine to
- 26 a person located in another state in accordance with the laws of
- 27 the other state.
- 28 (12) A holder is entitled to sell the farm winery's wine to the
- 29 holder of a supplemental caterer's permit issued under
- 30 IC 7.1-3-9.5 for on-premises consumption only at an event that is
- 31 held outdoors on property that is contiguous to the farm winery as
- 32 approved by the commission.
- 33 (13) A holder is entitled to be the proprietor of a restaurant that is
- 34 not subject to the minimum gross food sales or the minimum
- 35 projected food sales set forth in 905 IAC 1-41-2 and the gross
- 36 retail income requirements to sell carryout under IC 7.1-3-20-9.5.
- 37 A holder is entitled to conduct the following activities:
- 38 (A) Hold a beer retailer's permit, a wine retailer's permit, or a
- 39 liquor retailer's permit for a restaurant.
- 40 (B) Transfer wine directly from the farm winery to a restaurant
- 41 that the farm winery has an interest in by means of:
- 42 (i) bottles **or cans**;
- 43 (ii) bulk containers; or
- 44 (iii) a continuous flow system.
- 45 (C) Install a window between the farm winery and an adjacent
- 46 restaurant that allows the public and the holder of the permit

- 1 to view both premises.
- 2 (D) Install a doorway or other opening between the farm
- 3 winery and an adjacent restaurant that provides the public and
- 4 the holder of the permit with access to both the farm winery
- 5 and restaurant.
- 6 (b) With the approval of the commission, a holder of a permit under
- 7 this chapter may conduct business at not more than three (3) additional
- 8 locations that are separate from the winery. At the additional locations,
- 9 the holder of a permit may conduct any business that is authorized at
- 10 the first location, except for ~~the~~ manufacturing wine or ~~bottling of~~
- 11 **placing wine in bottles or containers.**
- 12 (c) **A farm winery may transfer wine from a storage facility or**
- 13 **an additional location described in subsection (b). A farm winery**
- 14 **may sell or transfer wine directly to a wine wholesaler from a**
- 15 **storage facility separate from the farm winery or an additional**
- 16 **location described in subsection (b). A farm winery may not sell or**
- 17 **transfer wine from a storage facility to any other permittee or a**
- 18 **consumer. The farm winery shall maintain an adequate written**
- 19 **record of wine transferred:**
- 20 (1) **between the farm winery and the storage facility; and**
- 21 (2) **from the storage facility to the wholesaler.**
- 22 (d) With the approval of the commission, a holder of a permit
- 23 under this chapter may:
- 24 (1) individually; or
- 25 (2) with other permit holders under this chapter, holders of artisan
- 26 distiller's permits, holders of brewer's permits issued under
- 27 IC 7.1-3-2-2(b), or any combination of holders described in this
- 28 subdivision;
- 29 participate in a trade show or an exposition at which products of each
- 30 permit holder participant are displayed, promoted, and sold. All of the
- 31 permit holders may occupy the same tent, structure, or building. The
- 32 commission may not grant approval under this subsection to a holder
- 33 of a permit under this chapter for more than forty-five (45) days in a
- 34 calendar year."
- 35 Page 21, line 27, delete "regulations" and insert "regulations."
- 36 Page 21, line 28, strike "and".
- 37 Page 21, line 28, strike "must not be used for any purposes except
- 38 for the storage of".
- 39 Page 21, line 29, strike "liquor." and insert "**An artisan distiller**
- 40 **may transfer liquor from a separate storage facility back to the**
- 41 **artisan distillery. An artisan distiller may sell or transfer liquor**
- 42 **directly to a liquor wholesaler from a storage facility that is**
- 43 **separate from the artisan distillery. An artisan distiller may not**
- 44 **sell or transfer liquor from a storage facility to any other permittee**
- 45 **or a consumer. The artisan distiller shall maintain an adequate**
- 46 **written record of the liquor transferred:**

- 1           **(1) between the artisan distillery and the storage facility; and**
- 2           **(2) from the storage facility to the liquor wholesaler."**
- 3           Renumber all SECTIONS consecutively.  
(Reference is to EHB 1396 as printed April 9, 2021.)

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Senator HOUCHIN