

SENATE BILL No. 5

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-2-7.

Synopsis: Sale of microbrewery beer at farmers' markets. Allows a small brewer to sell the brewer's beer to consumers for carryout at a farmers' market that is operated on a nonprofit basis, in a quantity of not more than 576 ounces per consumer at any one time. Requires the beer sold to be placed in the bottle or container at the brewer's permit premises.

Effective: July 1, 2014.

Alting

January 6, 2014, read first time and referred to Committee on Public Policy.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 5



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 7.1-3-2-7, AS AMENDED BY P.L.71-2012,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2014]: Sec. 7. The holder of a brewer's permit or an
- 4 out-of-state brewer holding either a primary source of supply permit or
- 5 an out-of-state brewer's permit may do the following:
- 6 (1) Manufacture beer.
- 7 (2) Place beer in containers or bottles.
- 8 (3) Transport beer.
- 9 (4) Sell and deliver beer to a person holding a beer wholesaler's
- 10 permit issued under IC 7.1-3-3.
- 11 (5) If the brewer's brewery manufactures not more than thirty
- 12 thousand (30,000) barrels of beer in a calendar year for sale or
- 13 distribution within Indiana, the permit holder may do the
- 14 following:
- 15 (A) Sell and deliver beer to a person holding a retailer or a
- 16 dealer permit under this title.



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



- 1 (A) is located in the same county as the brewer's brewery;
2 (B) manufactures less than thirty thousand (30,000) barrels of
3 beer in a calendar year; and
4 (C) is the proprietor of a restaurant that operates under
5 subdivision (5).
6 (7) Provide complimentary samples of beer that are:
7 (A) produced by the brewer; and
8 (B) offered to consumers for consumption on the brewer's
9 premises.
10 (8) Own a portion of the corporate stock of a sports corporation
11 that:
12 (A) manages a minor league baseball stadium located in the
13 same county as the brewer's brewery; and
14 (B) holds a beer retailer's permit, a wine retailer's permit, or a
15 liquor retailer's permit for a restaurant located in that stadium.
16 (9) For beer described in IC 7.1-1-2-3(a)(4):
17 (A) may allow transportation to and consumption of the beer
18 on the licensed premises; and
19 (B) may not sell, offer to sell, or allow sale of the beer on the
20 licensed premises.

