

HOUSE BILL No. 1323

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-21-11.

Synopsis: Microbrewery location near church or school. 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, 2021.

Barrett

January 14, 2021, read first time and referred to Committee on Public Policy.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1323

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, 2021]: Sec. 11. **(a) As used in this section, "brewery"**
4 **means a brewery for which a brewer's permit has been issued**
5 **under IC 7.1-3-2-2(b), including a brewery for which a retailer's**
6 **permit has been issued.**

7 ~~(a)~~ **(b)** As used in this section, "wall" means a wall of a building.
8 The term does not include a boundary wall.

9 ~~(b)~~ **(c)** Except as provided in subsections ~~(c)~~, ~~(g)~~, and ~~(h)~~, **(d)**, **(h)**,
10 **and (i)**, the commission may not issue a permit for a premises if a wall
11 of the premises is situated within two hundred (200) feet from a wall
12 of a school or church, if no permit has been issued for the premises
13 under the provisions of Acts 1933, Chapter 80.

14 ~~(c)~~ **(d)** This section does not apply to the premises of a:
15 (1) grocery store, drug store, restaurant, hotel, catering hall,
16 **brewery**, or location for which the use of a supplemental catering
17 permit has been approved if:



- 1 (A) a wall of the premises is situated within two hundred (200)
 2 feet from a wall of a church or school;
 3 (B) the commission receives a written statement from the
 4 authorized representative of the church or school stating
 5 expressly that the church or school does not object to the
 6 issuance of the permit for the premises; and
 7 (C) the commission determines that the church or school does
 8 not object to the issuance of the permit for the premises; or
 9 (2) church or school that applies for a temporary beer or wine
 10 permit.
- 11 ~~(d)~~ (e) The commission shall base its determination under
 12 subsection ~~(e)(1)(C)~~ **(d)(1)(C)** solely on the written statement of the
 13 authorized representative of the church or school.
- 14 ~~(e)~~ (f) If the commission does not receive the written statement of
 15 the authorized representative of the church or school, the premises of
 16 the grocery store, drug store, restaurant, hotel, catering hall, **brewery**,
 17 or location for which the use of a supplemental catering permit has
 18 been approved may not obtain the waiver allowed under this section.
- 19 ~~(f)~~ (g) If the commission determines that the church or school does
 20 not object, this section and ~~IC 7-1-3-21-10~~ **section 10 of this chapter**
 21 do not apply to the permit premises of the grocery store, drug store,
 22 restaurant, hotel, **brewery**, or catering hall on a subsequent renewal or
 23 transfer of ownership.
- 24 ~~(g)~~ (h) If the commission:
 25 (1) receives a written statement from the authorized
 26 representative of a church or school as described in subsection
 27 ~~(e)(1)(B)~~; **(d)(1)(B)**; and
 28 (2) determines the church or school does not object as described
 29 in subsection ~~(e)(1)(C)~~; **(d)(1)(C)**;
 30 the commission may not consider subsequent objections from the
 31 church or school to the issuance of the same permit type at the same
 32 premises location.
- 33 ~~(h)~~ (i) The commission may issue a permit for a premises if the wall
 34 of the premises and the wall of a church are separated by at least
 35 eighty-five (85) feet, including a two (2) lane road of at least thirty (30)
 36 feet in width.

