

SENATE BILL No. 481

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-13; IC 7.1-4-4.1-13.

Synopsis: Micro wine wholesaler's permits. Provides that the holder of a farm winery permit may also hold a micro wine wholesaler's permit without complying with the requirements for holding a beer wholesaler's permit or liquor wholesaler's permit. Moves provisions regarding micro wine wholesaler's permits to the chapter of the Indiana Code concerning wine wholesaler's permits.

Effective: July 1, 2019.

Alting

January 14, 2019, read first time and referred to Committee on Public Policy.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 481

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 7.1-3-13-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) **Except as**
3 **provided in section 1.5 of this chapter**, the commission may issue a
4 wine wholesaler's permit to sell wine, or wine and brandy, at wholesale
5 to a person who:

6 (1) notwithstanding IC 7.1-5-9-4, holds a beer wholesaler's
7 permit;

8 (2) holds a liquor wholesaler's permit; or

9 (3) does not hold an alcoholic beverage wholesaler's permit but
10 meets the qualifications to hold either a beer or a liquor
11 wholesaler's permit.

12 (b) The holder of a wine wholesaler's permit under subsection (a)(1)
13 or (a)(2):

14 (1) is considered the same as a person who holds a wine
15 wholesaler's permit under subsection (a)(3) for purposes of
16 conducting activities and operations under the wine wholesaler's
17 permit; and



(2) may operate the beer or liquor wholesale business independently of the wine wholesale business.

SECTION 2. IC 7.1-3-13-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. (a) The commission may issue a type of wine wholesaler's permit, a micro wine wholesaler's permit, to an applicant that:**

(1) sells less than twelve thousand (12,000) gallons of wine or wine and brandy at wholesale in a year; and

(2) meets the requirements for holding a wine wholesaler's permit.

(c) If an applicant previously held a wine wholesaler's permit, the applicant shall certify to the commission that the permit applicant sold less than twelve thousand (12,000) gallons of wine and brandy at wholesale in the previous year.

(d) The holder of a farm winery permit:

(1) may hold a micro wine wholesaler's permit; and

(2) is not subject to section 1 of this chapter.

(e) The holder of a micro wine wholesaler's permit may enter into an agreement to:

(1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or

(2) use goods and services provided by a farm winery or a farm winery brandy distiller;

or both.

SECTION 3. IC 7.1-3-13-2.5, AS AMENDED BY P.L.70-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. Except as provided in section 1.5(e) of this chapter,** all premises to be used by an applicant for a wine wholesaler's permit must be described in the application for the permit and in the permit, if the permit is issued. A wine wholesaler may not keep or store wine at any place other than the premises described in the wine wholesaler's application and permit. A person who holds a wine wholesaler's permit and who also holds a beer wholesaler's permit is not disqualified from using multiple premises for the storage of wine because the person holds a beer wholesaler's permit. ~~The holder of a wine wholesaler's permit described in IC 7.1-4-4.1-13(c) may enter into an agreement to:~~

~~(1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or~~

~~(2) use goods and services provided by a farm winery or a farm~~



1 ~~winery brandy distiller;~~
 2 ~~or both.~~

3 SECTION 4. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006,
 4 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 13. (a) This section applies to the following
 6 permits:

- 7 (1) Beer wholesaler's permit.
- 8 (2) Malt wholesaler's permit.
- 9 (3) Liquor wholesaler's permit.
- 10 (4) Wine wholesaler's permit.

11 **(5) Micro wine wholesaler's permit.**

12 (b) Except as provided in subsection (c), a permit fee of two
 13 thousand dollars (\$2,000) is annually imposed for the issuance of each
 14 of the permits described in subsection (a).

15 (c) A permit fee of one hundred dollars (\$100) is annually imposed
 16 for the issuance of a **micro** wine wholesaler's permit **under**
 17 **IC 7.1-3-13-1.5.** to a permit applicant who:

- 18 (1) has never previously held a wine wholesaler's permit and
 19 anticipates selling less than twelve thousand (12,000) gallons of
 20 wine and brandy in a year; or
- 21 (2) previously held a wine wholesaler's permit and certifies to the
 22 commission that the permit applicant sold less than twelve
 23 thousand (12,000) gallons of wine and brandy in the previous
 24 year.

