

SENATE BILL No. 482

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-2-7; IC 7.1-5-7-11.

Synopsis: Small breweries. Allows a small brewer to have three additional locations where the brewer may conduct any business that is authorized at the brewery, except for the manufacturing of beer. Provides that if a minor is accompanied by a parent, legal guardian, custodian, or family member who is at least 21 years of age, the minor may be present in any area of the brewery where the accompanying adult may be present.

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. 482

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol.

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.270-2017,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: 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 manufactures, at all of the brewer's breweries
12 located in Indiana, an aggregate of not more than ninety thousand
13 (90,000) barrels of beer in a calendar year for sale or distribution
14 within Indiana, the permit holder may do the following:
15 (A) Sell and deliver a total of not more than thirty thousand
16 (30,000) barrels of beer in a calendar year to a person holding
17 a retailer or a dealer permit under this title. The total number



- 1 of barrels of beer that the permit holder may sell and deliver
 2 under this clause in a calendar year may not exceed thirty
 3 thousand (30,000) barrels of beer.
- 4 (B) Be the proprietor of a restaurant.
- 5 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
 6 liquor retailer's permit for a restaurant established under clause
 7 (B).
- 8 (D) Transfer beer directly from the brewery to the restaurant
 9 by means of:
- 10 (i) bulk containers; or
 11 (ii) a continuous flow system.
- 12 (E) Install a window between the brewery and an adjacent
 13 restaurant that allows the public and the permittee to view both
 14 premises.
- 15 (F) Install a doorway or other opening between the brewery
 16 and an adjacent restaurant that provides the public and the
 17 permittee with access to both premises.
- 18 (G) Sell the brewery's beer by the glass for consumption on the
 19 premises. Brewers permitted to sell beer by the glass under
 20 this clause must make food available for consumption on the
 21 premises. A brewer may comply with the requirements of this
 22 clause by doing any of the following:
- 23 (i) Allowing a vehicle of transportation that is a food
 24 establishment (as defined in IC 16-18-2-137) to serve food
 25 near the brewer's licensed premises.
- 26 (ii) Placing menus in the brewer's premises of restaurants
 27 that will deliver food to the brewery.
- 28 (iii) Providing food prepared at the brewery.
- 29 (H) Sell and deliver beer to a consumer at the permit premises
 30 of the brewer or at the residence of the consumer. The delivery
 31 to a consumer may be made only in a quantity at any one (1)
 32 time of not more than one-half (1/2) barrel, but the beer may
 33 be contained in bottles or other permissible containers.
- 34 (I) Sell the brewery's beer as authorized by this section for
 35 carryout on Sunday in a quantity at any one (1) time of not
 36 more than five hundred seventy-six (576) ounces. A brewer's
 37 beer may be sold under this clause at:
- 38 (i) any address for which the brewer holds a brewer's permit
 39 issued under this chapter if the address is located within the
 40 same city boundaries in which the beer was manufactured;
 41 **and**
 42 (ii) **any additional location under clause (L).**



- 1 (J) With the approval of the commission, participate:
 2 (i) individually; or
 3 (ii) with other permit holders under this chapter, holders of
 4 artisan distiller's permits, holders of farm winery permits, or
 5 any combination of holders described in this item;
 6 in a trade show or an exposition at which products of each
 7 permit holder participant are displayed, promoted, and sold.
 8 All of the permit holders may occupy the same tent, structure,
 9 or building. The commission may not grant to a holder of a
 10 permit under this chapter approval under this clause to
 11 participate in a trade show or exposition for more than
 12 forty-five (45) days in a calendar year.
- 13 (K) Store or condition beer in a secure building that is:
 14 (i) separate from the brewery; and
 15 (ii) owned or leased by the permit holder.
- 16 A brewer may not sell or transfer beer directly to a permittee
 17 or consumer from a building described in this clause.
- 18 **(L) With the approval of the commission, conduct business**
 19 **at not more than three (3) additional locations that are**
 20 **separate from the brewery. At the additional locations, the**
 21 **permit holder may conduct any business that is authorized**
 22 **at the first location, except for the manufacturing of beer.**
- 23 (6) If the brewer's brewery manufactures more than ninety
 24 thousand (90,000) barrels of beer in a calendar year for sale or
 25 distribution within Indiana, the permit holder may own a portion
 26 of the corporate stock of another brewery that:
 27 (A) is located in the same county as the brewer's brewery;
 28 (B) manufactures less than ninety thousand (90,000) barrels of
 29 beer in a calendar year; and
 30 (C) is the proprietor of a restaurant that operates under
 31 subdivision (5).
- 32 (7) Provide complimentary samples of beer that are:
 33 (A) produced by the brewer; and
 34 (B) offered to consumers for consumption on the brewer's
 35 premises.
- 36 (8) Own a portion of the corporate stock of a sports corporation
 37 that:
 38 (A) manages a minor league baseball stadium located in the
 39 same county as the brewer's brewery; and
 40 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 41 liquor retailer's permit for a restaurant located in that stadium.
- 42 (9) For beer described in IC 7.1-1-2-3(a)(4):



- 1 (A) may allow transportation to and consumption of the beer
 2 on the licensed premises; and
 3 (B) may not sell, offer to sell, or allow sale of the beer on the
 4 licensed premises.
- 5 SECTION 2. IC 7.1-5-7-11, AS AMENDED BY P.L.270-2017,
 6 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 11. (a) The provisions of sections 9 and 10 of this
 8 chapter shall not apply if the public place involved is one (1) of the
 9 following:
- 10 (1) Civic center.
 - 11 (2) Convention center.
 - 12 (3) Sports arena.
 - 13 (4) Bowling center.
 - 14 (5) Bona fide club.
 - 15 (6) Drug store.
 - 16 (7) Grocery store.
 - 17 (8) Boat.
 - 18 (9) Dining car.
 - 19 (10) Pullman car.
 - 20 (11) Club car.
 - 21 (12) Passenger airplane.
 - 22 (13) Horse racetrack facility holding a recognized meeting permit
 23 under IC 4-31-5.
 - 24 (14) Satellite facility (as defined in IC 4-31-2-20.5).
 - 25 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
 26 public.
 - 27 (16) That part of a restaurant which is separate from a room in
 28 which is located a bar over which alcoholic beverages are sold or
 29 dispensed by the drink.
 - 30 (17) Entertainment complex.
 - 31 (18) Indoor golf facility.
 - 32 (19) A recreational facility such as a golf course, bowling center,
 33 or similar facility that has the recreational activity and not the sale
 34 of food and beverages as the principal purpose or function of the
 35 person's business.
 - 36 (20) A licensed premises owned or operated by a postsecondary
 37 educational institution described in IC 21-17-6-1.
 - 38 (21) An automobile racetrack.
 - 39 (22) An indoor theater under IC 7.1-3-20-26.
 - 40 (23) A senior residence facility campus (as defined in
 41 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or
 42 furnished as provided under IC 7.1-3-1-29.



- 1 (24) A hotel other than a part of a hotel that is a room in a
 2 restaurant in which a bar is located over which alcoholic
 3 beverages are sold or dispensed by the drink.
 4 (25) The location of an allowable event to which IC 7.1-3-6.1
 5 applies.
 6 (26) The location of a charity auction to which IC 7.1-3-6.2
 7 applies.
 8 (27) A farm winery and any additional locations of the farm
 9 winery under IC 7.1-3-12, if the minor is in the company of a
 10 parent, legal guardian or custodian, or family member who is at
 11 least twenty-one (21) years of age.
 12 (28) An artisan distillery under IC 7.1-3-27, if:
 13 (A) the person who holds the artisan distiller's permit also
 14 holds a farm winery permit under IC 7.1-3-12; and
 15 (B) the minor is in the company of a parent, legal guardian or
 16 custodian, or family member who is at least twenty-one (21)
 17 years of age.
 18 **(29) A brewery under IC 7.1-3-2-7(5), if the minor is in the**
 19 **company of a parent, legal guardian, custodian, or family**
 20 **member who is at least twenty-one (21) years of age. While**
 21 **accompanied by the adult, the minor may be present in any**
 22 **area in which the accompanying adult may be present:**
 23 **(A) that is within the brewery building, including a tasting**
 24 **room; and**
 25 **(B) whether or not the area:**
 26 **(i) is separated in any manner from where beer is**
 27 **manufactured, sold, or consumed within the brewery**
 28 **building; or**
 29 **(ii) operates under a retailer's permit.**
 30 (b) For the purpose of this subsection, "food" means meals prepared
 31 on the licensed premises. It is lawful for a minor to be on licensed
 32 premises in a room in which is located a bar over which alcoholic
 33 beverages are sold or dispensed by the drink if all the following
 34 conditions are met:
 35 (1) The minor is eighteen (18) years of age or older.
 36 (2) The minor is in the company of a parent, guardian, or family
 37 member who is twenty-one (21) years of age or older.
 38 (3) The purpose for being on the licensed premises is the
 39 consumption of food and not the consumption of alcoholic
 40 beverages.

