



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1116 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 7.1-3-12-5.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. (a) The holder of a farm**
- 6 **winery permit that has a licensed premises located in Indiana**
- 7 **where wine is manufactured is entitled to sell, by the bottle or by**
- 8 **the case, not more than a total of five thousand (5,000) gallons of**
- 9 **wine that is priced at less than three hundred one dollars (\$301)**
- 10 **per gallon during a permit year to a holder of a:**
- 11 (1) wine retailer's permit issued under IC 7.1-3-14 if the wine
- 12 retailer's premises is located:
- 13 (A) within the same county as the licensed premises of the
- 14 farm winery where the wine is manufactured; or
- 15 (B) within a county contiguous to the county described in
- 16 clause (A); or
- 17 (2) wine dealer's permit issued under IC 7.1-3-15 if the wine
- 18 dealer's premises is located:
- 19 (A) within the same county as the licensed premises of the
- 20 farm winery where the wine is manufactured; or
- 21 (B) within a county contiguous to the county described in
- 22 clause (A).
- 23 (b) If the holder of a farm winery permit:
- 24 (1) does not have a licensed premises located in Indiana where
- 25 wine is manufactured; and
- 26 (2) intends to sell wine to a holder of a wine retailer's permit
- 27 or wine dealer's permit as provided in subsection (c);
- 28 the holder of the farm winery permit shall select one (1) county

1 within which the holder of the farm winery intends to sell wine
2 under subsection (c).

3 (c) The holder of a farm winery permit that does not have a
4 licensed premises located in Indiana where wine is manufactured
5 is entitled to sell, by the bottle or by the case, not more than a total
6 of five thousand (5,000) gallons of wine that is priced at less than
7 three hundred one dollars (\$301) per gallon during a permit year
8 to a holder of a:

9 (1) wine retailer's permit issued under IC 7.1-3-14 if the wine
10 retailer's premises is located:

11 (A) within the county selected by the holder of the farm
12 winery permit under subsection (b); or

13 (B) within a county contiguous to the county described in
14 clause (A); or

15 (2) wine dealer's permit issued under IC 7.1-3-15 if the wine
16 dealer's premises is located:

17 (A) within the county that the holder of the farm winery
18 permit has selected under subsection (b); or

19 (B) within a county contiguous to the county described in
20 clause (A).

21 SECTION 2. IC 7.1-3-13-2.5, AS AMENDED BY P.L.186-2011,
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2014]: Sec. 2.5. All premises to be used by an applicant for a
24 wine wholesaler's permit must be described in the application for the
25 permit and in the permit, if the permit is issued. A wine wholesaler may
26 not keep or store wine at any place other than the premises described
27 in the wine wholesaler's application and permit. A person who holds a
28 wine wholesaler's permit and who also holds a beer wholesaler's permit
29 is not disqualified from using multiple premises for the storage of wine
30 because the person holds a beer wholesaler's permit. The holder of a
31 wine wholesaler's permit ~~issued under~~ **described in** IC 7.1-4-4.1-13(c)
32 may enter into an agreement to:

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

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

37 or both."

38 Page 3, between lines 6 and 7, begin a new paragraph and insert:

39 "SECTION 4. IC 7.1-5-11-1.5, AS AMENDED BY P.L.165-2006,
40 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2014]: Sec. 1.5. (a) Except as provided in **IC 7.1-3-12-5.5 and**
42 **IC 7.1-3-26**, it is unlawful for a person in the business of selling
43 alcoholic beverages in Indiana or outside Indiana to ship or cause to be
44 shipped an alcoholic beverage directly to a person in Indiana who does
45 not hold a valid wholesaler permit under this title. This includes the
46 ordering and selling of alcoholic beverages over a computer network

- 1 (as defined by IC 35-43-2-3(a)).
2 (b) Upon a determination by the commission that a person has
3 violated subsection (a), a wholesaler may not accept a shipment of
4 alcoholic beverages from the person for a period of up to one (1) year
5 as determined by the commission.
6 (c) The commission shall adopt rules under IC 4-22-2 to implement
7 this section."
8 Renumber all SECTIONS consecutively.
(Reference is to EHB 1116 as printed February 28, 2014.)

Senator GLICK