



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, AS AMENDED BY P.L.186-2011,
- 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2014]: Sec. 5. (a) The holder of a farm winery permit:
- 6 (1) is entitled to manufacture wine and to bottle wine produced by
- 7 the permit holder's farm winery;
- 8 (2) is entitled to serve complimentary samples of the winery's
- 9 wine on the licensed premises or an outside area that is
- 10 contiguous to the licensed premises as approved by the
- 11 commission if each employee who serves wine on the licensed
- 12 premises:
- 13 (A) holds an employee permit under IC 7.1-3-18-9; and
- 14 (B) completes a server training program approved by the
- 15 commission;
- 16 (3) is entitled to sell the winery's wine on the licensed premises to
- 17 consumers either by the glass, or by the bottle, or both;
- 18 (4) is entitled to sell the winery's wine to consumers by the bottle
- 19 at a farmers' market that is operated on a nonprofit basis;
- 20 (5) is entitled to sell wine by the bottle or by the case to a person
- 21 who is the holder of a permit **issued under IC 7.1-3-13** to sell
- 22 wine at wholesale;
- 23 **(6) is entitled to sell, by the bottle or by the case, not more**
- 24 **than a total of five thousand (5,000) gallons of wine that is**
- 25 **priced at less than three hundred one dollars (\$301) per gallon**
- 26 **during a permit year to a holder of a:**
- 27 **(A) wine retailer's permit issued under IC 7.1-3-14; or**

(B) wine dealer's permit issued under IC 7.1-3-15;

~~(6)~~ (7) is exempt from the provisions of IC 7.1-3-14;

~~(7)~~ (8) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery; ~~(8)~~ (9) for wine described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the wine on the licensed premises; and

(B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;

~~(9)~~ (10) is entitled to purchase and sell bulk wine as set forth in this chapter;

~~(10)~~ (11) is entitled to sell wine as authorized by this section for carryout on Sunday; and

~~(11)~~ (12) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may, individually or with other permit holders under this chapter, participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year.

SECTION 2. IC 7.1-3-13-2.5, AS AMENDED BY P.L.186-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. 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 ~~issued under~~ **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 winery brandy distiller;

or both."

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

1 "SECTION 4. IC 7.1-5-11-1.5, AS AMENDED BY P.L.165-2006,
2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 1.5. (a) Except as provided in **IC 7.1-3-12-5 and**
4 **IC 7.1-3-26**, it is unlawful for a person in the business of selling
5 alcoholic beverages in Indiana or outside Indiana to ship or cause to be
6 shipped an alcoholic beverage directly to a person in Indiana who does
7 not hold a valid wholesaler permit under this title. This includes the
8 ordering and selling of alcoholic beverages over a computer network
9 (as defined by IC 35-43-2-3(a)).

10 (b) Upon a determination by the commission that a person has
11 violated subsection (a), a wholesaler may not accept a shipment of
12 alcoholic beverages from the person for a period of up to one (1) year
13 as determined by the commission.

14 (c) The commission shall adopt rules under IC 4-22-2 to implement
15 this section."

16 Renumber all SECTIONS consecutively.

(Reference is to EHB 1116 as printed February 28, 2014.)

Senator GLICK