



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 7.1-3-2-2, AS AMENDED BY P.L.71-2012,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2014]: Sec. 2. (a) The commission may issue a brewer's
- 6 permit for a brewery that manufactures more than thirty thousand
- 7 (30,000) barrels of beer in a calendar year for sale or distribution
- 8 within Indiana. The commission may issue a permit under this
- 9 subsection only to:
- 10 (1) an individual;
- 11 (2) a partnership, all the partners of which are bona fide residents
- 12 of Indiana;
- 13 (3) a limited liability company, all the members of which are bona
- 14 fide residents of Indiana; or
- 15 (4) a corporation organized and existing under the laws of Indiana
- 16 and having authority under its charter to manufacture or sell beer.
- 17 The permit does not limit the number of barrels of beer in a calendar
- 18 year that the brewer may manufacture for sale or distribution outside
- 19 Indiana.
- 20 (b) The commission may issue a brewer's permit to a brewer for a
- 21 brewery that manufactures not more than thirty thousand (30,000)
- 22 barrels of beer in a calendar year for sale or distribution within Indiana.
- 23 **The following may not be counted toward the barrel limit under**
- 24 **this subsection:**
- 25 (1) **The brewery's beer that is sold at a restaurant of which**
- 26 **the holder of the brewer's permit is the proprietor.**
- 27 (2) **The brewery's beer sold by the glass for consumption on**

the permit premises as described in section 7(5)(G) of this chapter.

(3) Complimentary samples of the brewery's beer offered to consumers for consumption on the permit premises.

(c) The commission may issue a permit under this subsection **(b)** only to:

- (1) an individual;
- (2) a partnership organized and existing under the laws of Indiana;
- (3) a limited liability company organized and existing under the laws of Indiana; or
- (4) a corporation organized and existing under the laws of Indiana.

The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

SECTION 2. IC 7.1-3-2-7, AS AMENDED BY P.L.71-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer's brewery manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana, **excluding beer sold or offered as described in section 2(b)(1), (2)(b)(2), and 2(b)(3) of this chapter, and the entire brewing process of that beer occurs in Indiana**, the permit holder may do the following:

- (A) Sell and deliver beer to a person holding a retailer or a dealer permit under this title.
- (B) Be the proprietor of a restaurant.
- (C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).
- (D) Transfer beer directly from the brewery to the restaurant by means of:
 - (i) bulk containers; or
 - (ii) a continuous flow system.
- (E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.
- (F) Install a doorway or other opening between the brewery

and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must furnish the minimum food requirements prescribed by the commission.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(J) Sell the brewer's beer to consumers for carryout at a farmers' market that is operated on a nonprofit basis. The delivery to a consumer may be made only in a quantity of not more than five hundred seventy-six (576) ounces at any one (1) time, but the beer must be contained in bottles or other permissible containers. The beer sold under this clause must be placed in the bottle or container at the brewer's permit premises.

(K) With the approval of the commission, participate:

(i) individually; or

(ii) with other permit holders under this chapter;

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 to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(6) If the brewer's brewery manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

(A) is located in the same county as the brewer's brewery;

(B) manufactures less than thirty thousand (30,000) barrels of beer in a calendar year; and

(C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:

(A) produced by the brewer; and

- 1 (B) offered to consumers for consumption on the brewer's
 2 premises.
 3 (8) Own a portion of the corporate stock of a sports corporation
 4 that:
 5 (A) manages a minor league baseball stadium located in the
 6 same county as the brewer's brewery; and
 7 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 8 liquor retailer's permit for a restaurant located in that stadium.
 9 (9) For beer described in IC 7.1-1-2-3(a)(4):
 10 (A) may allow transportation to and consumption of the beer
 11 on the licensed premises; and
 12 (B) may not sell, offer to sell, or allow sale of the beer on the
 13 licensed premises.
 14 SECTION 3. IC 7.1-3-27-6, AS ADDED BY P.L.109-2013,
 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 6. **(a)** A holder of an artisan distiller's permit may
 17 also hold one (1) of the following:
 18 (1) A farm winery permit.
 19 (2) A brewer's permit for a brewery described in IC 7.1-3-2-7(5).
 20 (3) A distiller's permit under IC 7.1-3-7.
 21 **(b) A holder of an artisan distiller's permit who also holds a**
 22 **permit described under subsection (a)(2) may hold a beer retailer's**
 23 **permit, a wine retailer's permit, or a liquor retailer's permit for a**
 24 **restaurant as described in IC 7.1-3-2-7(5)(C).".**
 25 Page 3, between lines 6 and 7, begin a new paragraph and insert:
 26 "SECTION 5. IC 7.1-4-4.1-16, AS AMENDED BY P.L.71-2012,
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 16. The annual fee for a brewer's permit ~~for the~~
 29 ~~manufacture of not more than thirty thousand (30,000) barrels of beer~~
 30 ~~in a calendar year for sale or distribution within Indiana~~ **described in**
 31 **IC 7.1-3-2-7(5)** is five hundred dollars (\$500).
 32 SECTION 6. IC 7.1-5-9-7, AS AMENDED BY P.L.109-2013,
 33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 7. **Except as provided in IC 7.1-3-27-6**, it is
 35 unlawful for the holder of an artisan distiller's, a distiller's, or a
 36 rectifier's permit to own, acquire, possess or cause to be transferred to
 37 the holder shares of stock of a corporation that holds an Indiana permit
 38 to sell alcoholic beverages at retail, or in a permit to sell at retail in this
 39 state, or to own or acquire an interest in the business being conducted
 40 under the permit, or in or to shares of stock in a corporation that owns
 41 a permit to sell at retail.
 42 SECTION 7. IC 7.1-5-9-10, AS AMENDED BY P.L.71-2012,
 43 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2014]: Sec. 10. (a) Except as provided in subsection (b), it is
 45 unlawful for a holder of a retailer's permit of any type to acquire, hold,
 46 own, or possess an interest of any type in a manufacturer's or

1 wholesaler's permit of any type.
2 (b) It is lawful for a holder of a retailer's permit of any type to
3 acquire, hold, own, or possess an interest of any type in:
4 (1) a brewer's permit for a brewery ~~that manufactures not more~~
5 ~~than thirty thousand (30,000) barrels of beer in a calendar year for~~
6 ~~sale or distribution within Indiana; described in IC 7.1-3-2-7(5);~~
7 **and**
8 **(2) an artisan distiller's permit if the holder of the retailer's**
9 **permit also holds a brewer's permit described in subdivision**
10 **(1).".**
11 Renumber all SECTIONS consecutively.
(Reference is to EHB 1116 as printed February 28, 2014.)

Senator BANKS