

HOUSE BILL No. 1162

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3; IC 7.1-4; IC 7.1-5-3.

Synopsis: Sale of growlers by package liquor stores. Creates a supplemental package liquor store permit (supplemental permit) that the alcohol and tobacco commission may issue to a person who holds a beer dealer's permit and is the proprietor of a package liquor store (permit holder). Allows the permit holder at the package store location for which the supplemental permit is issued to: (1) fill or refill containers by transferring beer from a brewery sealed keg to the container; and (2) sell the beer to consumers for consumption off the licensed premises. Provides that a container filled or refilled by the permit holder may: (1) have a liquid capacity of not more than 128 ounces; and (2) be provided by the consumer or sold to the consumer by the permit holder. Prohibits a container from being filled or refilled by a permit holder before the sale of the beer to the consumer. Provides that statutes prohibiting the refilling of an alcoholic beverage container and selling beer in a container that was not packaged and sealed by the brewer do not apply to a permit holder. Requires a proprietor of multiple package liquor stores to obtain a supplemental permit for each package liquor store location where containers are filled and sold. Provides that the fee for the initial supplemental permit for a single package liquor store location is \$10,000. Provides that the annual renewal fee for a supplemental permit for a single package liquor store location is \$1,000. Provides that fees collected for the supplemental permit are deposited in the alcohol and tobacco commission enforcement and administration fund.

Effective: July 1, 2015.

GiaQuinta

January 12, 2015, read first time and referred to Committee on Public Policy.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1162



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 7.1-3-5-6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 6. The commission may issue a supplemental package**
4 **liquor store permit under IC 7.1-3-28 to a person who holds a beer**
5 **dealer's permit and is the proprietor of a package liquor store.**
6 SECTION 2. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2015]:
9 **Chapter 28. Supplemental Package Liquor Store Permit**
10 **Sec. 1. As used in this chapter, "container" means a refillable,**
11 **resealable container that:**
12 **(1) is intended only for and used only for the sale of beer; and**
13 **(2) has a liquid capacity of not more than one hundred**
14 **twenty-eight (128) ounces.**
15 **Sec. 2. The commission may issue a supplemental package**



1 liquor store permit to a person who holds a beer dealer's permit
 2 under IC 7.1-3-5 as the proprietor of a package liquor store. A
 3 proprietor of more than one (1) package liquor store must obtain
 4 a supplemental package liquor store permit for each package
 5 liquor store location at which the proprietor performs the actions
 6 described in section 3 of this chapter.

7 **Sec. 3. (a)** A supplemental package liquor store permit allows
 8 the permit holder to do the following at the location for which the
 9 permit is issued:

10 (1) Fill or refill a container with beer by transferring the beer
 11 to the container from a brewery sealed keg. The container
 12 may be provided by the consumer or purchased from the
 13 permit holder.

14 (2) Sell the beer transferred in the manner described in
 15 subdivision (1) to consumers for consumption off the licensed
 16 premises.

17 (3) Fill or refill with beer an empty container that is:

18 (A) provided by the consumer; or

19 (B) sold by the permit holder to the consumer.

20 (b) The holder of a supplemental package liquor store permit
 21 may not fill or refill a container before the sale of the beer to the
 22 consumer.

23 (c) The holder of a supplemental package liquor store permit
 24 shall comply with any requirements under law regarding the
 25 labeling and sealing of the container.

26 **Sec. 4.** The holder of a supplemental package liquor store permit
 27 may perform the actions described in section 3 of this chapter only:

28 (1) on the licensed premises of the package liquor store for
 29 which the supplemental package liquor store permit was
 30 issued; and

31 (2) at the times allowed under IC 7.1-3-1-14 under the
 32 holder's dealer permit.

33 SECTION 3. IC 7.1-4-4.1-12.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2015]: **Sec. 12.5. (a)** A supplemental package
 36 liquor store permit is an annual permit. A supplemental package
 37 liquor store permit must be issued for each package liquor store
 38 location at which the actions described in IC 7.1-3-28 are
 39 performed.

40 (b) The fee for an initial supplemental package liquor store
 41 permit for a single package liquor store location is ten thousand
 42 dollars (\$10,000). The fee for each annual renewal of the permit for



1 **a single package liquor store location is one thousand dollars**
 2 **(\$1,000).**

3 SECTION 4. IC 7.1-4-11-6 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2015]: **Sec. 6. The commission shall deposit into the enforcement**
 6 **and administration fund established under IC 7.1-4-10 all fees**
 7 **collected for a supplemental package liquor store permit under**
 8 **IC 7.1-4-4.1-12.5.**

9 SECTION 5. IC 7.1-5-3-1, AS AMENDED BY P.L.159-2014,
 10 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2015]: Sec. 1. (a) This section does not apply to the following:

12 (1) An establishment where alcoholic beverages are sold that is
 13 owned, in whole or part, by an entity that holds a brewer's permit
 14 for a brewery described under IC 7.1-3-2-7(5).

15 (2) An establishment where alcoholic beverages are sold that is
 16 owned, in whole or part, by a statewide trade organization
 17 consisting of members, each of whom holds a brewer's permit for
 18 a brewery described under IC 7.1-3-2-7(5).

19 **(3) A package liquor store that sells beer under a**
 20 **supplemental package liquor store permit issued under**
 21 **IC 7.1-3-28.**

22 (b) Except as provided in section 6 of this chapter, it is unlawful to
 23 sell beer in this state at retail in a bottle, can, or other container, unless
 24 the bottle, can, or other container was packaged and sealed by the
 25 brewer at the brewer's bottling house contiguous or adjacent to the
 26 brewery in which the beer was produced.

27 (c) A person who knowingly or intentionally violates subsection (b)
 28 commits a Class B misdemeanor.

29 SECTION 6. IC 7.1-5-3-4, AS AMENDED BY P.L.159-2014,
 30 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2015]: Sec. 4. (a) This section does not apply to the following:

32 (1) The necessary refilling of a container by a person holding a
 33 permit that authorizes the person to manufacture, rectify, or bottle
 34 liquor.

35 (2) An establishment where alcoholic beverages are sold that is
 36 owned, in whole or part, by an entity that holds a brewer's permit
 37 for a brewery described under IC 7.1-3-2-7(5).

38 (3) An establishment where alcoholic beverages are sold that is
 39 owned, in whole or part, by a statewide trade organization
 40 consisting of members, each of whom holds a brewer's permit for
 41 a brewery described under IC 7.1-3-2-7(5).

42 (4) The refilling of a bottle or container or possession of a refilled



- 1 bottle or container if the refilling or possession is not for resale or
2 another commercial purpose.
- 3 **(5) A person who:**
- 4 **(A) refills a container with beer; or**
- 5 **(B) possesses a container that has been refilled with beer;**
6 **in accordance with a supplemental package liquor store**
7 **permit issued under IC 7.1-3-28.**
- 8 (b) Except as provided in section 6 of this chapter, it is unlawful for
9 a person to:
- 10 (1) refill a bottle or container, in whole or in part, with an
11 alcoholic beverage; or
- 12 (2) knowingly possess a bottle or container that has been refilled,
13 in whole or in part, with an alcoholic beverage;
14 after the container of liquor has been emptied in whole or in part.
- 15 (c) A person who knowingly or intentionally violates subsection (a)
16 or (b) commits a Class B misdemeanor.

