

PROPOSED AMENDMENT

SB 185 # 1

DIGEST

Beer wholesaler's permit. Allows the holder of a beer wholesaler's permit to possess, transport, sell, and deliver beer to a food manufacturer that is registered with the federal Food and Drug Administration for the purpose of adding or integrating the beer into a product or recipe.

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 7.1-3-3-5, AS AMENDED BY P.L.163-2025,
4 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 5. (a) The holder of a beer wholesaler's permit
6 may purchase and import from the primary source of supply, possess,
7 and sell at wholesale, beer and flavored malt beverages manufactured
8 within or without this state.
9 (b) A beer wholesaler permittee may possess, transport, sell, and
10 deliver beer to:
11 (1) another beer wholesaler authorized by the brewer to sell the
12 brand purchased;
13 (2) an employee; ~~and~~
14 (3) a holder of a beer retailer's permit, beer dealer's permit,
15 temporary beer permit, dining car permit, boat permit, airplane
16 permit, or supplemental caterer's permit; **and**
17 **(4) a food manufacturer that is registered with the federal**
18 **Food and Drug Administration, for the purpose of adding or**
19 **integrating the beer into a product or recipe;**
20 located within this state. The sale, transportation, and delivery of beer
21 shall be made only from inventory that has been located on the
22 wholesaler's premises before the time of invoicing and delivery.
23 (c) The beer wholesaler's bona fide regular employees may purchase
24 beer from the wholesaler in:
25 (1) bottles, cans, or any other type of permissible containers in an
26 amount not to exceed forty-eight (48) pints; or

(2) one (1) keg;
at any one (1) time.

(d) The importation, transportation, possession, sale, and delivery of beer shall be subject to the rules of the commission and subject to the same restrictions provided in this title for a person holding a brewer's permit.

(e) The holder of a beer wholesaler's permit may purchase, import, possess, transport, sell, and deliver any commodity listed in IC 7.1-3-10-5, unless prohibited by this title. However, a beer wholesaler may deliver flavored malt beverages only to the holder of one (1) of the following permits:

(1) A beer wholesaler or wine wholesaler permit, if the wholesaler is authorized by the primary source of supply to sell the brand of flavored malt beverage purchased.

(2) A wine retailer's permit, wine dealer's permit, temporary wine permit, dining car wine permit, boat permit, airplane permit, or supplemental caterer's permit.

(f) A beer wholesaler may:

(1) store beer for an out-of-state brewer described in IC 7.1-3-2-9 and deliver the stored beer to another beer wholesaler that the out-of-state brewer authorizes to sell the beer;

(2) perform all necessary accounting and auditing functions associated with the services described in subdivision (1); and

(3) receive a fee from an out-of-state brewer for the services described in subdivisions (1) through (2).

(g) A beer wholesaler may sell, donate, transport, and deliver beer to a qualified organization for:

(1) an allowable event under IC 7.1-3-6.1;

(2) a charity auction under IC 7.1-3-6.2; or

(3) an event under IC 7.1-3-6.3;

located within this state. The sale, donation to a qualified organization, transportation, and delivery of beer shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery."

Page 11, after line 11, begin a new paragraph and insert:

"SECTION 13. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 185 as introduced.)