

# PROPOSED AMENDMENT

## HB 1052 # 17

### DIGEST

Alcoholic beverages. 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. Allows the holder of a temporary wine permit to purchase, receive, and sell mixed beverages.

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- 1           Page 13, between lines 39 and 40, begin a new paragraph and insert:  
2           "SECTION 26. IC 7.1-3-3-5, AS AMENDED BY P.L.163-2025,  
3           SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: Sec. 5. (a) The holder of a beer wholesaler's permit  
5           may purchase and import from the primary source of supply, possess,  
6           and sell at wholesale, beer and flavored malt beverages manufactured  
7           within or without this state.  
8           (b) A beer wholesaler permittee may possess, transport, sell, and  
9           deliver beer to:  
10           (1) another beer wholesaler authorized by the brewer to sell the  
11           brand purchased;  
12           (2) an employee; ~~and~~  
13           (3) a holder of a beer retailer's permit, beer dealer's permit,  
14           temporary beer permit, dining car permit, boat permit, airplane  
15           permit, or supplemental caterer's permit; **and**  
16           **(4) a food manufacturer that is registered with the federal**  
17           **Food and Drug Administration, for the purpose of adding or**  
18           **integrating the beer into a product or recipe;**  
19           located within this state. The sale, transportation, and delivery of beer  
20           shall be made only from inventory that has been located on the  
21           wholesaler's premises before the time of invoicing and delivery.  
22           (c) The beer wholesaler's bona fide regular employees may purchase  
23           beer from the wholesaler in:  
24           (1) bottles, cans, or any other type of permissible containers in an  
25           amount not to exceed forty-eight (48) pints; or  
26           (2) one (1) keg;

1 at any one (1) time.

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

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

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

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

17 (f) A beer wholesaler may:

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

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

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

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

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

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

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

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

34 SECTION 27. IC 7.1-3-16-9, AS AMENDED BY P.L.153-2015,  
35 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 UPON PASSAGE]: Sec. 9. The holder of a temporary wine permit  
37 shall be entitled to purchase and receive wine **or mixed beverages (as**  
38 **defined in IC 7.1-1-3-26.2)** on any day of the year, only from a lawful  
39 supplier under this title at his place of business. A lawful supplier may  
40 sell and deliver wine **or mixed beverages (as defined in**

1     **IC 7.1-1-3-26.2)** to a temporary wine permit holder on any day of the  
2     year at his place of business. Except as provided in IC 7.1-3-6.1 and  
3     IC 7.1-3-6.2, the holder of a temporary wine permit shall be entitled to  
4     sell wine **or mixed beverages (as defined in IC 7.1-1-3-26.2)** only for  
5     consumption on the licensed premises, and shall be subject to the same  
6     restrictions as apply to the sale of beer by the holder of a temporary  
7     beer permit. Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, a  
8     temporary wine permittee shall not be entitled to sell at wholesale nor  
9     for carry-out from the licensed premises."

10     Page 31, after line 6, begin a new paragraph and insert:

11     "SECTION 48. **An emergency is declared for this act.**".

12     Renumber all SECTIONS consecutively.

(Reference is to HB 1052 as introduced.)