

INDIANA

HB 1212

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Citations Affected: IC 7.1-5.

Effective: July 1, 1998

Alcoholic beverages. Makes it unlawful for a person engaged in the business of selling alcoholic beverages to ship an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit. Provides that an in state or out of state vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the Bureau of Alcohol, Tobacco, and Firearms who knowingly ships an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit commits a Class A misdemeanor. Provides that all other persons who knowingly ship an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler's permit commit a Class D felony. Requires the chairman of the alcoholic beverage commission to notify the Bureau of Alcohol, Tobacco, and Firearms in writing and by certified mail of the official determination that state law has been violated and request the bureau to take appropriate action if the chairman or the attorney general determines that a vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the Bureau of Alcohol, Tobacco, and Firearms has made an illegal shipment of an alcoholic beverage to consumers in Indiana.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears ~~[in brackets and struckthrough]~~. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1998 Indiana House Bill 1212
Indiana 110th General Assembly -- Second

Regular Session

INDIANA BILL TEXT

Second Regular Session 110th General Assembly (1998)
HOUSE ENROLLED ACT No. 1212

VERSION: Enacted
March 13, 1998
Tincher

AN ACT to amend the Indiana Code concerning alcoholic beverages.

TEXT:

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 7.1-5-1-9.5 IS ADDED TO THE INDIANA CODE AS A <<+ NEW +>>
SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: *Sec. 9.5. (a) An in state or an out of state vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, and Firearms who knowingly violates IC 7.1-5-11-1.5 commits a Class A misdemeanor.*

(b) A person who is not described in subsection (a) who knowingly violates IC 7.1-5-11-1.5 commits a Class D felony.

(c) If the chairman of the alcoholic beverage commission or the attorney general determines that a vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, and Firearms has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall notify the federal Bureau of Alcohol, Tobacco, and Firearms in writing and by certified mail of the official determination that state law has been violated and request the federal bureau to take appropriate action.

SECTION 2. IC 7.1-5-11-1.5 IS ADDED TO THE INDIANA CODE AS A *NEW* SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]:

Sec. 1.5. (a) It is unlawful for a person in the business of selling alcoholic beverages in another state or country to ship or cause to be shipped an alcoholic beverage directly to an Indiana resident who does not hold a valid wholesaler permit under this title. This includes the ordering and selling of alcoholic beverages over a computer network (as defined by IC 35-43-2-3(a)).

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

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

1998 IN H.B. 1212 (SN)
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