

**TITLE 905 ALCOHOL AND TOBACCO  
COMMISSION**

LSA Document #02-338(F)

**DIGEST**

Adds 905 IAC 1-45 to establish rules regulating tracking of beer kegs under IC 7.1-3-6.5. This rule would provide definitions and procedures to implement said statutes. Effective 30 days after filing with the secretary of state.

**905 IAC 1-45**

SECTION 1. 905 IAC 1-45 IS ADDED TO READ AS FOLLOWS:

**Rule 45. Tracking Beer Kegs**

**905 IAC 1-45-1 Definitions**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-1-3-30; IC 7.1-2-1-1; IC 7.1-2-3-9

**Sec. 1.** The following definitions apply throughout this rule:

- (1) "Commission" means the alcohol and tobacco commission, created pursuant to IC 7.1-2-1-1.
- (2) "Keg" means a brewery sealed individual container of beer:
  - (A) destined for retail sale; and
  - (B) having the liquid capacity of at least seven and three-fourths (7<sup>3</sup>/<sub>4</sub>) gallons.
- (3) "Permittee" means a person who holds a permit issued by the commission pursuant to IC 7.1-2-3-9.
- (4) "Person" means a person who is not a permittee as defined in IC 7.1-1-3-30.

*(Alcohol and Tobacco Commission; 905 IAC 1-45-1; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)*

**905 IAC 1-45-2 Identification markers**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 2.** The commission shall prescribe the form of the identification marker required by IC 7.1-3-6.5. The marker must:

- (1) enable the identification and tracking of the seller of the keg;
- (2) be removable or reusable only when the keg is returned to the wholesaler or brewer for refilling;
- (3) contain:
  - (A) the name, address, and commission permit number of the commission wholesale, retail, or dealer permittee who sold the keg;
  - (B) the manufacturer's identification number on the keg itself;
  - (C) the name of the clerk making the sale;
  - (D) the name, address, and date of birth of the purchaser;
  - (E) the type of identification card and identification number used to verify the data required by clause (D);and
- (F) the dated signature of the purchaser;
- (4) be attached to the keg by a material that once removed by a person cannot be reattached to the keg in a manner that could conceal the prior removal; and
- (5) be in a form approved by and purchased from the commission at the amount of the commission's cost for producing it.

*(Alcohol and Tobacco Commission; 905 IAC 1-45-2; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)*

**905 IAC 1-45-3 Receipt for the keg**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 3. A permittee shall require that a person who purchases a keg for consumption at a place other than a commission-licensed premises sign a receipt for the keg. The commission shall prescribe a form for the receipt. The receipt must contain the following information:**

- (1) The date of the sale of the keg.**
- (2) The size of the keg in gallons.**
- (3) The identification number on the keg itself.**
- (4) The name, residence address, and date of birth of the purchaser.**
- (5) A description of the form of identification presented by the purchaser.**

*(Alcohol and Tobacco Commission; 905 IAC 1-45-3; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)*

**905 IAC 1-45-4 Keeping registration**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 4. A permittee shall retain a copy of the keg registration for a period of at least two (2) years from the date of purchase of the keg.** *(Alcohol and Tobacco Commission; 905 IAC 1-45-4; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)*

**905 IAC 1-45-5 Removal of identification marker prohibited**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 5. A permittee, other than a wholesaler or brewer, shall not remove an identification marker placed on a keg pursuant to this rule.** *(Alcohol and Tobacco Commission; 905 IAC 1-45-5; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)*

**905 IAC 1-45-6 Penalties**

**Authority:** IC 7.1-2-3-7; IC 7.1-3-6.5

**Affected:** IC 7.1-3-6.5

**Sec. 6. (a) A permittee who, at the time of sale of a keg, fails to:**

- (1) place an identification marker on the keg; and**
- (2) obtain a signed receipt from the purchaser;**

**may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law.**

**(b) A permittee, other than a wholesaler or brewer, who removes an identification marker in violation of this rule, may be fined in an amount of not more than one thousand dollars (\$1,000) for each violation and have their permit suspended, in addition to any other penalty provided by law.** *(Alcohol and Tobacco Commission; 905 IAC 1-45-6; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189)*

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