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**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

Proposed Rule
LSA Document #03-319

DIGEST

Amends 905 IAC 1-45-2 and 905 IAC 1-45-3 to clarify the information required to be provided and maintained in the course of the retail sales of beer kegs. Effective 30 days after filing with the secretary of state.

905 IAC 1-45-2

905 IAC 1-45-3

SECTION 1. 905 IAC 1-45-2, AS ADDED AT 27 IR 189, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

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)~~ (B) the name of the clerk making the sale;
 - ~~(D)~~ (C) the name, address, and date of birth of the purchaser;
 - ~~(E)~~ (D) the type of identification card and identification number used to verify the data required by clause ~~(D)~~ (C); and
 - ~~(F)~~ (E) 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)

SECTION 2. 905 IAC 1-45-3, AS ADDED AT 27 IR 189, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

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)~~ (2) The name, ~~residence~~ **current residential** address, and date of birth of the purchaser.
 - ~~(5)~~ (3) 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)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 25, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on proposed amendments concerning the information required to be provided and maintained in the course of the retail sales of beer kegs. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission