

# SENATE BILL No. 256

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3; IC 7.1-5-7.

**Synopsis:** Minimum age for bartenders. Permits the employment of a person as a bartender who: (1) is at least 20 years of age but less than 21 years of age; and (2) has successfully completed an alcohol server training program. Makes conforming changes and a technical correction.

**Effective:** July 1, 2022.

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## Alting

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January 10, 2022, read first time and referred to Committee on Public Policy.

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Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# SENATE BILL No. 256

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

1 SECTION 1. IC 7.1-3-6-3.8, AS ADDED BY P.L.214-2016,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 3.8. (a) Notwithstanding any other provision in  
4 this chapter, the commission may issue a temporary beer permit if all  
5 the following apply:  
6 (1) The temporary beer permit is issued for a festival or event that  
7 meets all the following:  
8 (A) The festival or event promotes, at least in part, beer  
9 manufactured at a brewery described in IC 7.1-3-2-7(5).  
10 (B) The anticipated attendance of the festival or event is at  
11 least seven thousand five hundred (7,500) people.  
12 (C) Adequate security measures will be provided at the festival  
13 or event.  
14 (D) Individuals less than twenty-one (21) years of age will not  
15 be allowed to attend the festival or event, **unless the**  
16 **individual is employed by the applicant for the temporary**  
17 **beer permit as a bartender under IC 7.1-5-7-13(a)(5).**



- 1 (2) The applicant for the temporary beer permit:  
 2 (A) has held a brewer's permit for a brewery described in  
 3 IC 7.1-3-2-7(5) for at least three (3) years; and  
 4 (B) pays an application fee to the commission of two thousand  
 5 five hundred dollars (\$2,500).  
 6 (b) The commission may issue a temporary beer permit only for an  
 7 area at a festival or event that is enclosed by fencing, barricades, or  
 8 structures. The area may be an outside area that is contiguous to a  
 9 brewery described in IC 7.1-3-2-7(5) or restaurant or at another  
 10 location that is not on or near the premises of a brewery or restaurant.  
 11 (c) The commission may issue a temporary beer permit under this  
 12 section for a term, up to and including, three (3) days from its issuance.  
 13 (d) The commission may not issue a temporary beer permit under  
 14 this section to any one (1) person more than two (2) times in a calendar  
 15 year.  
 16 (e) Notwithstanding any other provision of this title, the holder of  
 17 the temporary beer permit may allow an individual who attends the  
 18 festival or event to carry beer, in a quantity that does not exceed a total  
 19 of two hundred eighty-eight (288) ounces, into the permitted area. Beer  
 20 carried in to a festival or event under this subsection may be consumed  
 21 or traded only in the permitted area.  
 22 (f) An individual who attends the festival or event may carry out  
 23 beer in sealed, unopened containers from the temporary beer permit  
 24 area.  
 25 SECTION 2. IC 7.1-3-9.5-3, AS AMENDED BY P.L.194-2021,  
 26 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2022]: Sec. 3. (a) The holder of a supplemental caterer's  
 28 permit is entitled to purchase alcoholic beverages only from:  
 29 (1) a brewery as described in IC 7.1-3-2-7(5)(N);  
 30 (2) a farm winery as described in IC 7.1-3-12-5(a)(12); and  
 31 (3) any other permittee entitled to sell to the holder under this  
 32 title.  
 33 Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a  
 34 supplemental caterer's permit is entitled to sell alcoholic beverages  
 35 only for on-premises consumption at those locations approved by the  
 36 commission and at times lawful under the holder's retailers' permits.  
 37 Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a  
 38 supplemental caterer's permit is not entitled to sell alcoholic beverages  
 39 at wholesale, nor for carry-out or at-home delivery.  
 40 **(b) The holder of a supplemental caterer's permit may employ**  
 41 **a person as a bartender who:**  
 42 **(1) is at least twenty (20) years of age but less than twenty-one**



1           **(21) years of age; and**

2           **(2) has successfully completed an alcohol server training**  
 3           **program certified under IC 7.1-3-1.5.**

4           ~~(b)~~ (c) If permitted by the state fair commission under  
 5 IC 7.1-3-21-14, a brewery under IC 7.1-3-2-7(5), a farm winery under  
 6 IC 7.1-3-12, or an artisan distillery under IC 7.1-3-27 may sell their  
 7 own products to consumers for consumption off the state fair grounds  
 8 under IC 7.1-3-21-14(b)(3), including at a location on the property of  
 9 the state fair grounds for which a supplemental caterer's permit has  
 10 been approved.

11           SECTION 3. IC 7.1-3-18-11, AS AMENDED BY P.L.224-2005,  
 12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2022]: Sec. 11. (a) The commission may issue a temporary  
 14 bartender's permit to any person who is at least ~~twenty-one (21)~~ **twenty**  
 15 **(20)** years of age for any of the following purposes:

16           (1) To be a bartender at any activity or event for which a  
 17 temporary permit is issued under IC 7.1-3-6 (beer) or IC 7.1-3-16  
 18 (wine).

19           (2) To be a bartender at a nonprofit club for a maximum of four  
 20 (4) days in a year during the same time that a fair or festival is  
 21 held in the community where the club is located. However, the  
 22 commission may only issue a maximum of twenty (20) temporary  
 23 bartender's licenses for use in one (1) club during one (1) fair or  
 24 festival.

25           (b) A temporary bartender's permit is the only license that is  
 26 required for persons to serve as bartenders for the purposes described  
 27 in subsection (a).

28           (c) A temporary bartender at a club may dispense any alcoholic  
 29 beverage that the club's permit allows the club to serve.

30           (d) The fee for a temporary bartender's permit is five dollars (\$5).

31           (e) The commission may by rule provide procedures for the issuance  
 32 of a temporary bartender's permit.

33           (f) The commission shall revoke a permit issued to a bartender  
 34 under this section if the bartender is convicted of a Class B  
 35 misdemeanor for violating IC 7.1-5-10-15(a).

36           SECTION 4. IC 7.1-5-7-7, AS AMENDED BY P.L.159-2014,  
 37 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2022]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C  
 39 misdemeanor for a minor to knowingly:

40           (1) possess an alcoholic beverage;

41           (2) consume an alcoholic beverage; or

42           (3) transport an alcoholic beverage on a public highway when not



1 accompanied by at least one (1) of the minor's parents or  
2 guardians.

3 **(b) Subsection (a)(1) does not apply to a minor who:**

4 **(1) is at least twenty (20) years of age; and**

5 **(2) possesses an alcoholic beverage in the scope of the minor's**  
6 **employment as a bartender under section 13(a)(5) of this**  
7 **chapter.**

8 ~~(b)~~ **(c)** If a minor is found to have violated subsection (a)(2) or  
9 (a)(3) while operating a vehicle, the court may order the minor's driving  
10 privileges suspended for up to one (1) year. However, if the minor is  
11 less than eighteen (18) years of age, the court shall order the minor's  
12 driving privileges suspended for at least sixty (60) days.

13 ~~(c)~~ **(d)** The court shall deliver any order suspending a minor's  
14 driving privileges under this section to the bureau of motor vehicles,  
15 which shall suspend the minor's driving privileges under  
16 IC 9-24-18-12.2 for the period ordered by the court.

17 SECTION 5. IC 7.1-5-7-10, AS AMENDED BY P.L.159-2014,  
18 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2022]: Sec. 10. (a) It is a Class C infraction for a minor to  
20 knowingly or intentionally be in a tavern, bar, or other public place  
21 where alcoholic beverages are sold, bartered, exchanged, given away,  
22 provided, or furnished. **This subsection does not apply to a minor**  
23 **who is:**

24 **(1) at least twenty (20) years of age; and**

25 **(2) in a tavern, bar, or other public place described in this**  
26 **subsection while acting within the scope of the minor's**  
27 **employment as a bartender under section 13(a)(5) of this**  
28 **chapter.**

29 (b) It is a Class C misdemeanor for a permittee to recklessly permit  
30 a minor to be in the prohibited place beyond a reasonable time in which  
31 an ordinary prudent person can check identification to confirm the age  
32 of a patron. **This subsection does not apply to a permittee if the**  
33 **minor is:**

34 **(1) at least twenty (20) years of age; and**

35 **(2) in the place described in this subsection while acting within**  
36 **the scope of the minor's employment as a bartender under**  
37 **section 13(a)(5) of this chapter.**

38 SECTION 6. IC 7.1-5-7-11, AS AMENDED BY P.L.150-2021,  
39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2022]: Sec. 11. (a) The provisions of sections 9 and 10 of this  
41 chapter shall not apply if the public place involved is one (1) of the  
42 following:



- 1 (1) Civic center.
- 2 (2) Convention center.
- 3 (3) Sports arena.
- 4 (4) Bowling center.
- 5 (5) Bona fide club.
- 6 (6) Drug store.
- 7 (7) Grocery store.
- 8 (8) Boat.
- 9 (9) Dining car.
- 10 (10) Pullman car.
- 11 (11) Club car.
- 12 (12) Passenger airplane.
- 13 (13) Horse racetrack facility holding a recognized meeting permit
- 14 under IC 4-31-5.
- 15 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 16 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
- 17 public.
- 18 (16) That part of a restaurant which is separate from a room in
- 19 which is located a bar over which alcoholic beverages are sold or
- 20 dispensed by the drink.
- 21 (17) Entertainment complex.
- 22 (18) Indoor golf facility.
- 23 (19) A recreational facility such as a golf course, bowling center,
- 24 or similar facility that has the recreational activity and not the sale
- 25 of food and beverages as the principal purpose or function of the
- 26 person's business.
- 27 (20) A licensed premises owned or operated by a postsecondary
- 28 educational institution described in IC 21-17-6-1.
- 29 (21) An automobile racetrack.
- 30 (22) An indoor theater under IC 7.1-3-20-26.
- 31 (23) A senior residence facility campus (as defined in
- 32 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or
- 33 furnished as provided under IC 7.1-3-1-29.
- 34 (24) A hotel other than a part of a hotel that is a room in a
- 35 restaurant in which a bar is located over which alcoholic
- 36 beverages are sold or dispensed by the drink.
- 37 (25) The location of an allowable event to which IC 7.1-3-6.1
- 38 applies.
- 39 (26) The location of a charity auction to which IC 7.1-3-6.2
- 40 applies.
- 41 (27) A tour of a brewery as provided in IC 7.1-3-20-16.4, if the
- 42 minor is in the company of a parent, legal guardian or custodian,



1 or family member who is at least twenty-one (21) years of age.

2 (28) A farm winery and any additional locations of the farm  
3 winery under IC 7.1-3-12, if the minor is in the company of a  
4 parent, legal guardian or custodian, or family member who is at  
5 least twenty-one (21) years of age and the minor is accompanied  
6 by the adult in any area that the adult may be present whether or  
7 not the area:

8 (A) is separated in any manner from where the wine is  
9 manufactured, sold, or consumed within the farm winery  
10 premises; or

11 (B) operates under a retailer's permit.

12 (29) An artisan distillery under IC 7.1-3-27, if:

13 (A) the person who holds the artisan distiller's permit also  
14 holds a farm winery permit under IC 7.1-3-12, or  
15 IC 7.1-3-20-16.4(a) applies to the person; and

16 (B) the minor is in the company of a parent, legal guardian or  
17 custodian, or family member who is at least twenty-one (21)  
18 years of age.

19 (30) An art instruction studio under IC 7.1-5-8-4.6.

20 (31) The licensed premises of a food hall under IC 7.1-3-20-29  
21 and the food and beverage vending space of a food hall vendor  
22 permittee under IC 7.1-3-20-30. However, sections 9 and 10 of  
23 this chapter apply to a bar within the food and beverage vending  
24 space of a food hall vendor permittee under IC 7.1-3-20-30 that  
25 serves alcoholic beverages intended to be consumed while sitting  
26 or standing at the bar.

27 **(32) A bar area, if the minor:**

28 **(A) is at least twenty (20) years of age;**

29 **(B) meets the requirements of section 13(a)(5) of this**  
30 **chapter; and**

31 **(C) is in the bar area while acting within the scope of the**  
32 **minor's employment as a bartender.**

33 (b) For the purpose of this subsection, "food" means meals prepared  
34 on the licensed premises. It is lawful for a minor to be on licensed  
35 premises in a room in which is located a bar over which alcoholic  
36 beverages are sold or dispensed by the drink if all the following  
37 conditions are met:

38 (1) The minor is eighteen (18) years of age or older.

39 (2) The minor is in the company of a parent, guardian, or family  
40 member who is twenty-one (21) years of age or older.

41 (3) The purpose for being on the licensed premises is the  
42 consumption of food and not the consumption of alcoholic



- 1 beverages.
- 2 SECTION 7. IC 7.1-5-7-13, AS AMENDED BY P.L.270-2017,  
 3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2022]: Sec. 13. (a) Section 12 of this chapter does not prohibit  
 5 the following:
- 6 (1) The employment of a person at least eighteen (18) years of age  
 7 but less than twenty-one (21) years of age on or about licensed  
 8 premises where alcoholic beverages are sold, furnished, or given  
 9 away for consumption either on or off the licensed premises, for  
 10 a purpose other than:
- 11 (A) selling;  
 12 (B) furnishing, other than serving;  
 13 (C) consuming; or  
 14 (D) otherwise dealing in;  
 15 alcoholic beverages.
- 16 (2) A person at least nineteen (19) years of age but less than  
 17 twenty-one (21) years of age from ringing up a sale of alcoholic  
 18 beverages in the course of the person's employment.
- 19 (3) A person who is at least nineteen (19) years of age but less  
 20 than twenty-one (21) years of age and who has successfully  
 21 completed an alcohol server training program certified under  
 22 IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or  
 23 family room of a restaurant or hotel:
- 24 (A) in the course of a person's employment as a waiter,  
 25 waitress, or server; and  
 26 (B) under the supervision of a person who:  
 27 (i) is at least twenty-one (21) years of age;  
 28 (ii) is present at the restaurant or hotel; and  
 29 (iii) has successfully completed an alcohol server training  
 30 program certified under IC 7.1-3-1.5 by the commission.
- 31 This subdivision does not allow a person at least nineteen (19)  
 32 years of age but less than twenty-one (21) years of age to be a  
 33 bartender.
- 34 (4) The employment of a person at least eighteen (18) years of age  
 35 but less than twenty-one (21) years of age on or about licensed  
 36 premises where alcoholic beverages are sold, furnished, or given  
 37 away for consumption either on or off the licensed premises if all  
 38 the following apply:
- 39 (A) The person is employed as an assistant on a delivery truck.  
 40 (B) The person's duties with respect to alcoholic beverages are  
 41 limited to handling alcoholic beverages in connection with the  
 42 loading, unloading, stowing, or storing of alcoholic beverages





1 that are being delivered or picked up.

2 (C) The person does not sell, furnish, or deal in alcoholic  
3 beverages in any manner except as expressly permitted under  
4 clause (B).

5 (D) The person acts under the supervision of a driver holding  
6 a salesman's permit.

7 (E) The person does not collect money for the delivery or pick  
8 up.

9 **(5) Notwithstanding subdivision (3), the employment of a  
10 person as a bartender who:**

11 **(A) is at least twenty (20) years of age but less than  
12 twenty-one (21) years of age; and**

13 **(B) has successfully completed an alcohol server training  
14 program certified under IC 7.1-3-1.5.**

15 (b) This chapter does not prohibit a person less than twenty-one (21)  
16 years of age from being on the premises of a brewery under  
17 IC 7.1-3-2-7(5), a farm winery, including any additional locations of  
18 the farm winery under IC 7.1-3-12-5, or an artisan distillery under  
19 IC 7.1-3-27-5, if the person is:

20 (1) the child, stepchild, grandchild, nephew, or niece of an owner  
21 of the:

22 (A) brewery;

23 (B) farm winery; or

24 (C) artisan distiller; and

25 (2) employed on the premises for a purpose other than:

26 (A) selling;

27 (B) furnishing, other than serving;

28 (C) consuming; or

29 (D) otherwise dealing in;

30 alcoholic beverages.

31 A minor described in this subsection is not required to be accompanied  
32 by a parent, legal guardian or custodian, or family member who is at  
33 least twenty-one (21) years of age while on the premises of the brewery  
34 or farm winery.

35 SECTION 8. IC 7.1-5-7-15 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. **(a)** A person  
37 twenty-one (21) years of age or older who knowingly or intentionally  
38 encourages, aids, or induces a minor to unlawfully possess an alcoholic  
39 beverage commits a Class C infraction.

40 **(b) This section does not apply to the possession of an alcoholic  
41 beverage by a minor who:**

42 **(1) is at least twenty (20) years of age; and**



1           **(2) possessed the alcoholic beverage in the scope of the**  
2           **minor's employment as a bartender under section 13(a)(5) of**  
3           **this chapter.**

