

HOUSE BILL No. 1026

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-2-3-16.5; IC 7.1-3.

Synopsis: Sunday sales of alcoholic beverages for carryout. Provides that a holder of an alcoholic beverage permit who is authorized by law to sell alcoholic beverages for carryout may sell alcoholic beverages for carryout on Sunday.

Effective: July 1, 2015.

Eberhart, Austin

January 6, 2015, read first time and referred to Committee on Public Policy.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1026

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 7.1-2-3-16.5, AS AMENDED BY P.L.109-2013,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2015]: Sec. 16.5. (a) As used in this section, "facility"
- 4 includes the following:
- 5 (1) A facility to which IC 7.1-3-1-25(a) applies.
- 6 (2) A tract that contains a premises that is described in
- 7 ~~IC 7.1-3-1-14(c)(2)~~. **IC 7.1-3-1-14(d)(2)**.
- 8 (3) A horse track or satellite facility to which IC 7.1-3-17.7
- 9 applies.
- 10 (4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.
- 11 (5) A tract that contains an entertainment complex.
- 12 (b) As used in this section, "tract" has the meaning set forth in
- 13 IC 6-1.1-1-22.5.
- 14 (c) A facility may advertise alcoholic beverages:
- 15 (1) in the facility's interior; or



1 (2) on the facility's exterior.

2 (d) The commission may not exercise the prohibition power
3 contained in section 16(a) of this chapter on advertising by a brewer,
4 distiller, rectifier, or vintner in or on a facility.

5 (e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may
6 provide advertising to a permittee that is a brewer, an artisan distiller,
7 a distiller, a rectifier, or a vintner in exchange for compensation from
8 that permittee.

9 SECTION 2. IC 7.1-3-1-14, AS AMENDED BY P.L.10-2010,
10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2015]: Sec. 14. (a) It is lawful for an appropriate permittee,
12 unless otherwise specifically provided in this title, to sell alcoholic
13 beverages each day Monday through Saturday from 7 a.m., prevailing
14 local time, until 3 a.m., prevailing local time, the following day. ~~Sales~~
15 ~~shall cease wholly on Sunday at 3 a.m., prevailing local time, and not~~
16 ~~be resumed until the following Monday at 7 a.m., prevailing local time.~~

17 (b) It is lawful for the holder of a retailer's permit to sell the
18 appropriate alcoholic beverages for consumption on the licensed
19 premises only on Sunday from 7 a.m., prevailing local time, until 3
20 a.m., prevailing local time, the following day.

21 **(c) A holder of an alcoholic beverage permit who is authorized**
22 **under this title to sell alcoholic beverages for carryout may sell the**
23 **appropriate alcoholic beverages on Sunday for carryout from 7**
24 **a.m., prevailing local time, until 3 a.m., prevailing local time, the**
25 **following day.**

26 ~~(d)~~ (d) It is lawful for the holder of a permit under this article to sell
27 alcoholic beverages at athletic or sports events held on Sunday upon
28 premises that:

29 (1) are described in section 25(a) of this chapter;

30 (2) are a facility used in connection with the operation of a paved
31 track more than two (2) miles in length that is used primarily in
32 the sport of auto racing; or

33 (3) are being used for a professional or an amateur tournament;
34 beginning one (1) hour before the scheduled starting time of the event
35 or, if the scheduled starting time of the event is 1 p.m. or later,
36 beginning at noon.

37 ~~(e)~~ (e) It is lawful for the holder of a valid beer, wine, or liquor
38 wholesaler's permit to sell to the holder of a valid retailer's or dealer's
39 permit at any time.

40 SECTION 3. IC 7.1-3-9-12 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) This section
42 applies to:



- 1 (1) the holder of a three-way permit that is issued to a civic
 2 center, a sports arena, a stadium, an exhibition hall, an
 3 auditorium, a theater, a tract that contains a premises that is
 4 described in ~~IC 7.1-3-1-14(c)(2)~~; **IC 7.1-3-1-14(d)(2)**, or a
 5 convention center; or
 6 (2) the holder of a catering permit while catering alcoholic
 7 beverages at a civic center, a sports arena, a stadium, an
 8 exhibition hall, an auditorium, a theater, a tract that contains a
 9 premises that is described in ~~IC 7.1-3-1-14(c)(2)~~;
 10 **IC 7.1-3-1-14(d)(2)**, or a convention center.
 11 (b) As used in this section, "suite" means an area in a building or
 12 facility referred to in subsection (a) that:
 13 (1) is not accessible to the general public;
 14 (2) has accommodations for not more than seventy-five (75)
 15 persons per suite; and
 16 (3) is accessible only to persons who possess a ticket:
 17 (A) to an event in a building or facility referred to in
 18 subsection (a); and
 19 (B) that entitles the person to occupy the area while viewing
 20 the event described in clause (A).
 21 The term does not include a restaurant, lounge, or concession area,
 22 even if access to the restaurant, lounge, or concession area is limited to
 23 certain ticket holders.
 24 (c) A permittee may allow the self-service of individual servings of
 25 alcoholic beverages in a suite.
 26 (d) A person who:
 27 (1) possesses a ticket described in subsection (b)(3); and
 28 (2) is at least twenty-one (21) years of age;
 29 may obtain an alcoholic beverage in a suite by self-service.
 30 (e) A permittee may do any of the following:
 31 (1) Demand that a person occupying a suite provide:
 32 (A) a written statement under IC 7.1-5-7-4; and
 33 (B) identification indicating that the person is at least
 34 twenty-one (21) years of age.
 35 (2) Supervise the self-service of alcoholic beverages.
 36 (3) Have an employee in the suite who holds an employee permit
 37 under IC 7.1-3-18-9 to serve some or all of the alcoholic
 38 beverages.

