



March 2, 2018

ENGROSSED HOUSE BILL No. 1419

DIGEST OF HB 1419 (Updated February 28, 2018 4:23 pm - DI 106)

Citations Affected: IC 6-8.1; IC 7.1-1; IC 7.1-3; IC 7.1-4; IC 7.1-5.

Synopsis: Various alcoholic beverage matters. Allows alcoholic beverages of any type to be sold from a portable structure or cart on a golf course. Repeals provisions regarding the following: (1) Malt manufacturer's permit. (2) Malt wholesaler's permit. (3) Malt dealer's permit. (4) Malt excise tax. (5) Seasonal resort hotel permit. Maintains the escrow process for retailer or dealer permits issued before July 1, 2019. Provides that for a retailer or dealer permit issued after June 30, 2019, the permit may be deposited in escrow for not more than three (3) years. Amends for consistency provisions that allow a manufacturer of two types of alcoholic beverages, which has both production facilities in one building, to serve alcohol from both production facilities at a single bar. Adds a similar provision in the law regarding artisan distilleries. Specifies that the holder of an artisan distiller's permit may hold only one other manufacturer's permit. Defines "river" for purposes of a municipal riverfront development district project established after June 30, 2018, under the alcoholic beverage law.
(Continued next page)

Effective: Upon passage; July 1, 2018.

Smaltz, GiaQuinta

(SENATE SPONSORS — ALTING, LANANE)

January 11, 2018, read first time and referred to Committee on Public Policy.
January 25, 2018, amended, reported — Do Pass.
January 29, 2018, read second time, amended, ordered engrossed.
January 30, 2018, engrossed.
January 31, 2018, read third time, passed. Yeas 85, nays 7.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Public Policy.
March 1, 2018, amended, reported favorably — Do Pass.

EH 1419—LS 7150/DI 87



Digest Continued

Provides that if a river is determined to be navigable, the determination has no legal effect beyond satisfying a requirement for establishing a municipal riverfront development district project. Allows the holder of a retailer's permit to "run a tab" for a customer purchasing alcohol for personal use. Provides that an artisan distillery, a microbrewery, and a farm winery may operate a bar or service bar: (1) indoors or outdoors; and (2) that may be viewed from a street or public highway. Allows a retailer permittee or a holder of a supplemental caterer's permit operating at certain collegiate stadiums to purchase alcoholic beverages and have the alcoholic beverages stored in areas approved by the alcohol and tobacco commission to be later served at the stadium. Provides that an "entertainment complex" includes a premises that is used by a nonprofit organization primarily for the professional performance of musical or theatrical entertainment that: (1) has audience seating for at least 200 individuals; and (2) is located entirely within a one mile radius of the center of the consolidated city. Allows the ATC to issue additional alcoholic beverage restaurant permits to the public-private partnership, economic development area, redevelopment district, or economic revitalization area in Munster, Bargersville, Martinsville, Greenwood, and Speedway. Allows the ATC to issue retailer's permits for two types of licensed premises within a bottling district in a consolidated city as follows: (1) A three-way retailer's permit for a designated food hall containing multiple food and beverage vendors. (2) A three-way permit for an owner or lessee of a building in the bottling district that contains retail store space. Authorizes the ATC to issue a permit for a premises located near a church under certain conditions, and permits the premises of a retailer or dealer permittee to be located within 200 feet of the wall of a school or church if the school or church states in writing that they do not object to the location of the premises. Allows the ATC to issue a boat beer permit, a boat liquor permit, or a boat wine permit to a concessionaire of the proprietor of a boat. Defines "accredited hospitality management program" as a nationally accredited program offered by a state educational institution. Allows a person to work as a waiter or waitress at a licensed premises if: (1) the licensed premises is a restaurant operated by an accredited hospitality management program for educational purposes; (2) the person is a student enrolled in a course offered by the accredited hospitality management program; (3) the licensed premises, state educational institution, or accredited hospitality management program does not pay the person to work at the licensed premises; and (4) the person works under the supervision of an instructor employed by the state educational institution.



March 2, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1419

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 6-8.1-1-1, AS AMENDED BY P.L.256-2017,
2 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 1. "Listed taxes" or "taxes" includes only the
4 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat
5 admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13);
6 the slot machine wagering tax (IC 4-35-8); the type II gambling game
7 excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the
8 utility receipts and utility services use taxes (IC 6-2.3); the state gross
9 retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3);
10 the supplemental net income tax (IC 6-3-8) (repealed); the county
11 adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option
12 income tax (IC 6-3.5-6) (repealed); the county economic development
13 income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the
14 auto rental excise tax (IC 6-6-9); the financial institutions tax
15 (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax

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1 (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax
 2 collected under a reciprocal agreement under IC 6-8.1-3; the vehicle
 3 excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the
 4 commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on
 5 recreational vehicles and truck campers (IC 6-6-5.1); the hazardous
 6 waste disposal tax (IC 6-6-6.6) (repealed); the cigarette tax (IC 6-7-1);
 7 the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the
 8 wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5);
 9 ~~the malt excise tax (IC 7.1-4-5)~~; the petroleum severance tax
 10 (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and
 11 beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and
 12 IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed
 13 for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties
 14 assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any
 15 other tax or fee that the department is required to collect or administer.

16 SECTION 2. IC 6-8.1-7-1, AS AMENDED BY THE TECHNICAL
 17 CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS
 18 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:
 19 Sec. 1. (a) This subsection does not apply to the disclosure of
 20 information concerning a conviction on a tax evasion charge. Unless in
 21 accordance with a judicial order or as otherwise provided in this
 22 chapter, the department, its employees, former employees, counsel,
 23 agents, or any other person may not divulge the amount of tax paid by
 24 any taxpayer, terms of a settlement agreement executed between a
 25 taxpayer and the department, investigation records, investigation
 26 reports, or any other information disclosed by the reports filed under
 27 the provisions of the law relating to any of the listed taxes, including
 28 required information derived from a federal return, except to *any of the*
 29 *following when it is agreed that the information is to be confidential*
 30 *and to be used solely for official purposes:*

- 31 (1) Members and employees of the department.
 32 (2) The governor.
 33 (3) A member of the general assembly or an employee of the
 34 house of representatives or the senate when acting on behalf of a
 35 taxpayer located in the member's legislative district who has
 36 provided sufficient information to the member or employee for
 37 the department to determine that the member or employee is
 38 acting on behalf of the taxpayer.
 39 (4) *An employee of the legislative services agency to carry out the*
 40 *responsibilities of the legislative services agency under*
 41 *IC 2-5-1.1-7 or another law.*
 42 ~~(5)~~ (5) The attorney general or any other legal representative of



1 the state in any action in respect to the amount of tax due under
 2 the provisions of the law relating to any of the listed taxes. ~~or~~
 3 ~~(5)~~ (6) Any authorized officers of the United States.

4 *when it is agreed that the information is to be confidential and to be*
 5 *used solely for official purposes.*

6 (b) The information described in subsection (a) may be revealed
 7 upon the receipt of a certified request of any designated officer of the
 8 state tax department of any other state, district, territory, or possession
 9 of the United States when:

- 10 (1) the state, district, territory, or possession permits the exchange
 11 of like information with the taxing officials of the state; and
 12 (2) it is agreed that the information is to be confidential and to be
 13 used solely for tax collection purposes.

14 (c) The information described in subsection (a) relating to a person
 15 on public welfare or a person who has made application for public
 16 welfare may be revealed to the director of the division of family
 17 resources, and to any director of a county office of the division of
 18 family resources located in Indiana, upon receipt of a written request
 19 from either director for the information. The information shall be
 20 treated as confidential by the directors. In addition, the information
 21 described in subsection (a) relating to a person who has been
 22 designated as an absent parent by the state Title IV-D agency shall be
 23 made available to the state Title IV-D agency upon request. The
 24 information shall be subject to the information safeguarding provisions
 25 of the state and federal Title IV-D programs.

26 (d) The name, address, Social Security number, and place of
 27 employment relating to any individual who is delinquent in paying
 28 educational loans owed to a postsecondary educational institution may
 29 be revealed to that institution if it provides proof to the department that
 30 the individual is delinquent in paying for educational loans. This
 31 information shall be provided free of charge to approved postsecondary
 32 educational institutions (as defined by IC 21-7-13-6(a)). The
 33 department shall establish fees that all other institutions must pay to the
 34 department to obtain information under this subsection. However, these
 35 fees may not exceed the department's administrative costs in providing
 36 the information to the institution.

37 (e) The information described in subsection (a) relating to reports
 38 submitted under IC 6-6-1.1-502 concerning the number of gallons of
 39 gasoline sold by a distributor and IC 6-6-2.5 concerning the number of
 40 gallons of special fuel sold by a supplier and the number of gallons of
 41 special fuel exported by a licensed exporter or imported by a licensed
 42 transporter may be released by the commissioner upon receipt of a



- 1 written request for the information.
- 2 (f) The information described in subsection (a) may be revealed
3 upon the receipt of a written request from the administrative head of a
4 state agency of Indiana when:
- 5 (1) the state agency shows an official need for the information;
6 and
7 (2) the administrative head of the state agency agrees that any
8 information released will be kept confidential and will be used
9 solely for official purposes.
- 10 (g) The information described in subsection (a) may be revealed
11 upon the receipt of a written request from the chief law enforcement
12 officer of a state or local law enforcement agency in Indiana when it is
13 agreed that the information is to be confidential and to be used solely
14 for official purposes.
- 15 (h) The name and address of retail merchants, including township,
16 as specified in IC 6-2.5-8-1(k) may be released solely for tax collection
17 purposes to township assessors and county assessors.
- 18 (i) The department shall notify the appropriate innkeeper's tax
19 board, bureau, or commission that a taxpayer is delinquent in remitting
20 innkeepers' taxes under IC 6-9.
- 21 (j) All information relating to the delinquency or evasion of the
22 ~~motor~~ vehicle excise tax may be disclosed to the bureau of motor
23 vehicles in Indiana and may be disclosed to another state, if the
24 information is disclosed for the purpose of the enforcement and
25 collection of the taxes imposed by IC 6-6-5.
- 26 (k) All information relating to the delinquency or evasion of
27 commercial vehicle excise taxes payable to the bureau of motor
28 vehicles in Indiana may be disclosed to the bureau and may be
29 disclosed to another state, if the information is disclosed for the
30 purpose of the enforcement and collection of the taxes imposed by
31 IC 6-6-5.5.
- 32 (l) All information relating to the delinquency or evasion of
33 commercial vehicle excise taxes payable under the International
34 Registration Plan may be disclosed to another state, if the information
35 is disclosed for the purpose of the enforcement and collection of the
36 taxes imposed by IC 6-6-5.5.
- 37 (m) All information relating to the delinquency or evasion of the
38 excise taxes imposed on recreational vehicles and truck campers that
39 are payable to the bureau of motor vehicles in Indiana may be disclosed
40 to the bureau and may be disclosed to another state if the information
41 is disclosed for the purpose of the enforcement and collection of the
42 taxes imposed by IC 6-6-5.1.



- 1 (n) This section does not apply to:
- 2 (1) the beer excise tax, including brand and packaged type
- 3 (IC 7.1-4-2);
- 4 (2) the liquor excise tax (IC 7.1-4-3);
- 5 (3) the wine excise tax (IC 7.1-4-4);
- 6 (4) the hard cider excise tax (IC 7.1-4-4.5);
- 7 ~~(5) the malt excise tax (IC 7.1-4-5);~~
- 8 ~~(6) (5) the ~~motor~~ vehicle excise tax (IC 6-6-5);~~
- 9 ~~(7) (6) the commercial vehicle excise tax (IC 6-6-5.5); and~~
- 10 ~~(8) (7) the fees under IC 13-23.~~
- 11 (o) The name and business address of retail merchants within each
- 12 county that sell tobacco products may be released to the division of
- 13 mental health and addiction and the alcohol and tobacco commission
- 14 solely for the purpose of the list prepared under IC 6-2.5-6-14.2.
- 15 (p) The name and business address of a person licensed by the
- 16 department under IC 6-6 or IC 6-7 may be released for the purpose of
- 17 reporting the status of the person's license.
- 18 (q) The department may release information concerning total
- 19 incremental tax amounts under:
- 20 (1) IC 5-28-26;
- 21 (2) IC 36-7-13;
- 22 (3) IC 36-7-26;
- 23 (4) IC 36-7-27;
- 24 (5) IC 36-7-31;
- 25 (6) IC 36-7-31.3; or
- 26 (7) any other statute providing for the calculation of incremental
- 27 state taxes that will be distributed to or retained by a political
- 28 subdivision or other entity;
- 29 to the fiscal officer of the political subdivision or other entity that
- 30 established the district or area from which the incremental taxes were
- 31 received if that fiscal officer enters into an agreement with the
- 32 department specifying that the political subdivision or other entity will
- 33 use the information solely for official purposes.
- 34 (r) The department may release the information as required in
- 35 IC 6-8.1-3-7.1 concerning:
- 36 (1) an innkeeper's tax, a food and beverage tax, or an admissions
- 37 tax under IC 6-9;
- 38 (2) the supplemental auto rental excise tax under IC 6-6-9.7; and
- 39 (3) the covered taxes allocated to a professional sports
- 40 development area fund, sports and convention facilities operating
- 41 fund, or other fund under IC 36-7-31 and IC 36-7-31.3.
- 42 (s) Information concerning state gross retail tax exemption



1 certificates that relate to a person who is exempt from the state gross
 2 retail tax under IC 6-2.5-4-5 may be disclosed to a power subsidiary (as
 3 defined in IC 6-2.5-4-5) or a person selling the services or commodities
 4 listed in IC 6-2.5-4-5(b) for the purpose of enforcing and collecting the
 5 state gross retail and use taxes under IC 6-2.5.

6 SECTION 3. IC 7.1-1-3-16.5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16.5. The term
 8 "entertainment complex" means a premises that:

9 (1) is a site for the performance of musical, theatrical, or other
 10 entertainment;

11 (2) if located in a county containing a consolidated city:

12 (A) **either:**

13 (i) includes an area where at least two thousand (2,000)
 14 individuals may be seated at one (1) time in permanent
 15 seating; and

16 ~~(B) (ii)~~ (ii) is located in a facility that is ~~(i)~~ on the National
 17 Register of Historic Places or ~~(ii)~~ **is located in a facility that**
 18 **is** within the boundaries of a historic district that is
 19 established by ordinance under IC 36-7-11-7; **or**

20 **(B) is used by a nonprofit organization primarily for the**
 21 **professional performance of musical or theatrical**
 22 **entertainment that:**

23 (i) **has audience seating in one (1) or more performance**
 24 **spaces for at least two hundred (200) individuals; and**

25 (ii) **is located entirely within a one (1) mile radius of the**
 26 **center of the consolidated city; and**

27 (3) if located in a county other than a county containing a
 28 consolidated city, includes an area where at least twelve thousand
 29 (12,000) individuals may be seated at one (1) time in permanent
 30 seating.

31 SECTION 4. IC 7.1-3-1-3.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. **This section**
 33 **applies to a retailer or dealer permit issued before July 1, 2019.** A
 34 permittee to whom a retailer or dealer permit has been issued under this
 35 title may deposit that permit with the commission for a period of one
 36 (1) year if the permittee is unable to immediately operate the business
 37 to which the permit applies. The commission may extend the term of
 38 the deposit for not more than four (4) additional one (1) year periods if
 39 the permittee is able to show to the satisfaction of the commission that
 40 the permittee is making a good faith effort to put the permit into
 41 operation.

42 SECTION 5. IC 7.1-3-1-3.7 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2018]: **Sec. 3.7. (a) This section applies to a retailer or dealer
3 permit issued after June 30, 2019.**

4 **(b) A retailer or dealer permit that has been issued under this
5 title may be deposited with the commission for a total of not more
6 than three (3) years.**

7 **(c) The three (3) year deposit period described in subsection (b):**

8 **(1) does not have to be consecutive;**

9 **(2) can transfer to a new permittee;**

10 **(3) is tied to the individual permit; and**

11 **(4) cannot be extended.**

12 **(d) The commission shall track the amount of time that a permit
13 has been deposited with the commission under this section and
14 make this information available to the permittee.**

15 **(e) A retailer or dealer permit that is in escrow at the end of the
16 three (3) year deposit period reverts to the commission. The permit
17 holder is not entitled to any refund or other compensation.**

18 SECTION 6. IC 7.1-3-1-18, AS AMENDED BY P.L.196-2015,
19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2018]: **Sec. 18. (a) Except as provided in subsections (d) and
21 (e), if publication of notice of application for a permit is required under
22 this title, the publication shall be made in one (1) newspaper of general
23 circulation published in the county where the permit is to be in effect.**

24 **(b) Publication required under subsection (a) may be made in any
25 newspaper of general circulation published one (1) or more times each
26 week.**

27 **(c) The rates which shall be paid for the advertising of a notice
28 required under this title shall be those required to be paid in case of
29 other notices published for or on behalf of the state.**

30 **(d) The commission may publish notice of application for a**

31 **(+) three-way permit for a restaurant described in
32 IC 7.1-3-20-12(4) or**

33 **(-) seasonal permit granted under IC 7.1-3-20-22;**

34 **by posting the notice on the commission's Internet web site.**

35 **(e) If:**

36 **(1) the commission is unable to procure advertising of a notice as
37 required under subsection (a) at the rates set forth in IC 5-3-1; or**

38 **(2) the newspaper published in the county as described in
39 subsection (a) refuses to publish the notice;**

40 **the commission may, instead of publication in a newspaper as required
41 under subsection (a), require the designated member of the local board
42 of the county to post printed notices in three (3) prominent locations in**



1 the county.

2 SECTION 7. IC 7.1-3-1.5-13, AS AMENDED BY P.L.13-2013,
3 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 13. (a) **Except as provided in IC 7.1-3-1.7**, a
5 retailer permittee or dealer permittee who operates an establishment
6 where alcoholic beverages are served or sold must:

7 (1) ensure that each alcohol server completes a server program or
8 a trainer program established or approved under section 5.5 or 6
9 of this chapter not later than one hundred twenty (120) days after
10 the date the alcohol server begins employment at the
11 establishment;

12 (2) require each alcohol server to attend a refresher course that
13 includes the dissemination of new information concerning the
14 server program subject areas described in section 6 of this chapter
15 or subject areas of a trainer program every three (3) years after the
16 date the alcohol server completes a server program or a trainer
17 program; and

18 (3) maintain training verification records of each alcohol server.

19 (b) A retailer permittee, a dealer permittee, or a management
20 representative of a retailer or dealer permittee must complete a server
21 program or a trainer program established or approved under section 5.5
22 or 6 of this chapter:

23 (1) not later than one hundred twenty (120) days after the date:

24 (A) the dealer permittee is issued a permit described in section
25 2 of this chapter; or

26 (B) the retailer permittee is issued a permit described in
27 section 4 of this chapter; and

28 (2) every five (5) years after the date the retailer permittee, dealer
29 permittee, or management representative of the retailer or dealer
30 permittee completes a server program or a trainer program.

31 (c) The commission shall notify a:

32 (1) dealer permittee at the time the dealer permittee renews a
33 permit described in section 2 of this chapter; and

34 (2) retailer permittee at the time the retailer permittee renews a
35 permit described in section 4 of this chapter;

36 of the requirements under subsections (a) and (b).

37 (d) The commission may suspend or revoke a retailer permittee's or
38 dealer permittee's permit or fine a retailer permittee or dealer permittee
39 for noncompliance with this section in accordance with IC 7.1-3-23.

40 SECTION 8. IC 7.1-3-1.7 IS ADDED TO THE INDIANA CODE
41 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2018]:



1 **Chapter 1.7. Exempt Servers**

2 **Sec. 1. The following definitions apply throughout this chapter:**

3 **(1) "Accredited hospitality management program" means a**
 4 **hospitality management program that is:**

5 **(A) accredited by the Accreditation Commission for**
 6 **Programs in Hospitality Administration or a similar**
 7 **nationally recognized accrediting organization; and**

8 **(B) offered by a state educational institution.**

9 **(2) "State educational institution" has the meaning set forth**
 10 **in IC 21-7-13-32.**

11 **Sec. 2. (a) Notwithstanding any other law, a person at least**
 12 **eighteen (18) years of age may work as a waiter or waitress on the**
 13 **licensed premises of a retailer permittee without having attended**
 14 **a server program or obtained a server certificate or employee**
 15 **permit if all of the following requirements are met:**

16 **(1) The licensed premises is a restaurant operated by an**
 17 **accredited hospitality management program primarily for**
 18 **educational purposes.**

19 **(2) The person is a student enrolled in a:**

20 **(A) state educational institution; and**

21 **(B) course offered by the accredited hospitality**
 22 **management program.**

23 **(3) The licensed premises, state educational institution, or**
 24 **accredited hospitality management program does not pay the**
 25 **person to work at the licensed premises.**

26 **(4) The person works under the supervision of an instructor**
 27 **employed by the state educational institution.**

28 **(b) This section does not permit a person to work as a**
 29 **bartender.**

30 **SECTION 9. IC 7.1-3-2-7.5, AS ADDED BY P.L.97-2015,**
 31 **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 32 **JULY 1, 2018]: Sec. 7.5. (a) This section applies only if the permit**
 33 **premises of if:**

34 **(1) the holder of a brewer's permit under section 7(5) of this**
 35 **chapter also holds:**

36 **(1) (A) a farm winery permit; and or**

37 **(2) (B) a brewery under section 7(5) of this chapter; an**
 38 **artisan distiller's permit; and**

39 **(2) the brewery and the holder's other production facility**
 40 **occupy the same building.**

41 **(b) Notwithstanding any other provision, a person who holds a farm**
 42 **winery permit and a brewery permit two (2) permits may sell by the**



1 glass for consumption on the premises ~~(1) the farm winery's wine; and~~
 2 ~~(2) the brewery's beer; from the same service bar, without a partition;~~
 3 ~~wall, or any other structure separating the service of wine and the~~
 4 ~~service of beer. all alcoholic beverages:~~

5 **(1) manufactured by the holder's two (2) production facilities;**
 6 **and**

7 **(2) from one (1) or more bars located in a single tasting room.**

8 **The commission may not require any physical separation at the**
 9 **bar between the service of alcoholic beverages manufactured by**
 10 **one (1) production facility and the service of alcoholic beverages**
 11 **manufactured by the permit holder's other production facility.**

12 **(c) This section does not exempt a permit holder from**
 13 **complying with permit restrictions that affect the sales and service**
 14 **of only one (1) of the alcoholic beverages manufactured by the**
 15 **permit holder.**

16 SECTION 10. IC 7.1-3-6-12 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. ~~Boat Beer Permits:~~
 18 ~~Application.~~ The commission may issue a boat beer permit to:

19 **(1) the proprietor of a boat; or**

20 **(2) a concessionaire of the proprietor of a boat;**

21 engaged in regular passenger service and which makes regular runs in
 22 seasonable weather between established termini.

23 SECTION 11. IC 7.1-3-11-9 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~Boat Liquor Permits:~~
 25 The commission may issue a boat liquor permit to a person who is:

26 **(1) the proprietor of a boat; or**

27 **(2) a concessionaire of the proprietor of a boat;**

28 and who is, and continues to be, the holder of a boat beer permit and
 29 boat wine permit. The commission may issue a boat liquor permit
 30 without publication of notice or having an investigation before a local
 31 board.

32 SECTION 12. IC 7.1-3-12-7.5, AS ADDED BY P.L.97-2015,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2018]: Sec. 7.5. (a) This section applies if: ~~the permit~~
 35 ~~premises of any combination of the following:~~

36 **(1) the holder of a farm winery permit also holds:**

37 ~~(1) a farm winery;~~

38 ~~(2) (A) a brewery brewer's permit under IC 7.1-3-2-7(5); and~~

39 ~~or~~

40 ~~(3) (B) an artisan distillery permit; and~~

41 **(2) the farm winery and the holder's other production facility**
 42 **occupy the same building.**



1 (b) Notwithstanding any other provision, a person who holds any
 2 combination of a farm winery permit, a brewery permit under
 3 IC 7.1-3-2-7(5), and an artisan distiller's permit, **two (2) permits** may
 4 sell by the glass for consumption on the premises ~~(1) the farm winery's~~
 5 ~~wine; (2) the brewery's beer; and (3) an artisan distillery's liquor;~~ from
 6 the same service bar, without a partition, wall, or any other structure
 7 separating the service of wine, the service of beer, and the service of
 8 liquor: **all alcoholic beverages:**

9 **(1) manufactured at the holder's two (2) production facilities;**
 10 **and**

11 **(2) from one (1) or more bars located in a single tasting room.**

12 **The commission may not require any physical separation at the**
 13 **bar between the service of alcoholic beverages manufactured by**
 14 **one (1) production facility and the service of alcoholic beverages**
 15 **manufactured by the permit holder's other production facility.**

16 (c) Except as provided in this chapter, the restrictions and
 17 provisions of a permittee's permit governing the sale or service of the
 18 alcoholic beverage that is the subject of the permit apply to the sale and
 19 service of the alcoholic beverage under this chapter. **This section does**
 20 **not exempt a permit holder from complying with permit**
 21 **restrictions affecting the sales and service of only one (1) of the**
 22 **alcoholic beverages manufactured by the permit holder.**

23 SECTION 13. IC 7.1-3-16-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. ~~Boat Wine Permits:~~
 25 The commission may issue a boat wine permit to a person who is:

26 **(1) the proprietor of a boat; or**

27 **(2) a concessionaire of the proprietor of a boat;**

28 and who also is, and continues to be, the holder of a boat beer permit.
 29 The commission may issue a boat wine permit without publication of
 30 notice or having an investigation before a local board.

31 SECTION 14. IC 7.1-3-19-17, AS AMENDED BY P.L.214-2016,
 32 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2018]: Sec. 17. (a) This section applies to a permit issued
 34 under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k),
 35 IC 7.1-3-20-16(l), ~~or IC 7.1-3-20-16.8,~~ **IC 7.1-3-20-16.9,**
 36 **IC 7.1-3-20-28, IC 7.1-3-20-29, or IC 7.1-3-20-31,** if a municipal
 37 legislative body has adopted an ordinance requiring a formal written
 38 commitment as a condition of eligibility for a permit, as described in
 39 subsection (b).

40 (b) As a condition of eligibility for a permit, the applicant must
 41 enter into a formal written commitment with the municipal legislative
 42 body regarding the character or type of business that will be conducted



1 on the permit premises. The municipal legislative body must adopt an
 2 ordinance approving the formal written commitment. A formal written
 3 commitment is binding on the permit holder and on any lessee or
 4 proprietor of the permit premises. When an application for renewal of
 5 a permit is filed, the applicant shall forward a copy of the application
 6 to the municipal legislative body. The municipal legislative body shall
 7 receive notice of any filings, hearings, or other proceedings on the
 8 application for renewal from the applicant.

9 (c) A formal written commitment may be modified by the municipal
 10 legislative body with the agreement of the permit holder.

11 (d) Except as provided in subsection (f), the amount of time that a
 12 formal written commitment is valid may not be limited or restricted.

13 (e) A formal written commitment is terminated at the time a permit
 14 is revoked or not renewed.

15 (f) If the character or type of business violates the formal written
 16 commitments, the municipality may adopt a recommendation to the
 17 local board and the commission to:

- 18 (1) deny the permit holder's application to renew the permit; or
- 19 (2) revoke the permit holder's permit.

20 (g) The commission shall consider evidence at the hearing on the
 21 issue of whether the business violated the formal written commitments.
 22 If the commission determines there is sufficient evidence that the
 23 commitments have been violated by the permittee, the commission
 24 may:

- 25 (1) deny the application to renew the permit; or
- 26 (2) revoke the permit;

27 as applicable.

28 SECTION 15. IC 7.1-3-20-13.6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.6. (a) As used
 30 in this section, "clubhouse" means a facility:

- 31 (1) that is located on a golf course; and
- 32 (2) where alcoholic beverages are sold under a retailer's permit or
 33 a club permit issued by the commission.

34 (b) The holder of a retailer's permit or a club permit for the sale of
 35 alcoholic beverages at a clubhouse may, under the same permit, sell
 36 alcoholic ~~mat~~ beverages at a permanent, semipermanent, or portable
 37 structure or cart that meets the following requirements:

- 38 (1) Is on the same golf course premises as the clubhouse.
- 39 (2) Is within reasonable proximity of the clubhouse.
- 40 (3) Provides minimum food service.
- 41 (4) Has a floor plan or design that meets the following
 42 requirements:



- 1 (A) Is on file with the commission.
- 2 (B) Has been approved by the commission.
- 3 (c) All employees of a permittee described in subsection (b), who
- 4 are involved in the furnishing, supplying, conveying, selling or serving
- 5 of alcoholic beverages, shall have an employee's permit or bartender's
- 6 permit, as applicable.
- 7 SECTION 16. IC 7.1-3-20-16.1, AS AMENDED BY P.L.2-2007,
- 8 SECTION 131, IS AMENDED TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2018]: Sec. 16.1. (a) This section applies to a
- 10 municipal riverfront development project authorized under section
- 11 16(d) of this chapter.
- 12 (b) In order to qualify for a permit, an applicant must demonstrate
- 13 that the municipal riverfront development project area where the permit
- 14 is to be located meets the following criteria:
- 15 (1) The project boundaries must border on at least one (1) side of
- 16 a river.
- 17 (2) The proposed permit premises may not be located more than:
- 18 (A) one thousand five hundred (1,500) feet; or
- 19 (B) three (3) city blocks;
- 20 from the river, whichever is greater. However, if the area adjacent
- 21 to the river is incapable of being developed because the area is in
- 22 a floodplain, or for any other reason that prevents the area from
- 23 being developed, the distances described in clauses (A) and (B)
- 24 are measured from the city blocks located nearest to the river that
- 25 are capable of being developed.
- 26 (3) The permit premises are located within:
- 27 (A) an economic development area, a redevelopment project
- 28 area, an urban renewal area, or a redevelopment area
- 29 established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;
- 30 (B) an economic development project district under
- 31 IC 36-7-15.2 or IC 36-7-26; or
- 32 (C) a community revitalization enhancement district
- 33 designated under IC 36-7-13-12.1.
- 34 (4) The project must be funded in part with state and city money.
- 35 (5) The boundaries of the municipal riverfront development
- 36 project must be designated by ordinance or resolution by the
- 37 legislative body (as defined in IC 36-1-2-9(3) or IC 36-1-2-9(4))
- 38 of the city in which the project is located.
- 39 **(6) This subdivision applies only to a municipal riverfront**
- 40 **development district project established after June 30, 2018.**
- 41 **The river that is the location of the municipal riverfront**
- 42 **development district project must meet the requirements set**



- 1 **forth in section 16.4 of this chapter.**
- 2 (c) Proof of compliance with subsection (b) must consist of the
- 3 following documentation, which is required at the time the permit
- 4 application is filed with the commission:
- 5 (1) A detailed map showing:
- 6 (A) definite boundaries of the entire municipal riverfront
- 7 development project; and
- 8 (B) the location of the proposed permit within the project.
- 9 (2) A copy of the local ordinance or resolution of the local
- 10 governing body authorizing the municipal riverfront development
- 11 project.
- 12 (3) Detailed information concerning the expenditures of state and
- 13 city funds on the municipal riverfront development project.
- 14 **(4) This subdivision applies only to a municipal riverfront**
- 15 **development district project established after June 30, 2018.**
- 16 **The report submitted to the city legislative body (as defined**
- 17 **in IC 36-1-2-9(3) or IC 36-1-2-9(4)) under section 16.4(b) of**
- 18 **this chapter.**
- 19 (d) Notwithstanding subsection (b), the commission may issue a
- 20 permit for premises, the location of which does not meet the criteria of
- 21 subsection (b)(2), if all the following requirements are met:
- 22 (1) All other requirements of this section and section 16(d) of this
- 23 chapter are satisfied.
- 24 (2) The proposed premises is located not more than:
- 25 (A) three thousand (3,000) feet; or
- 26 (B) six (6) blocks;
- 27 from the river, whichever is greater. However, if the area adjacent
- 28 to the river is incapable of being developed because the area is in
- 29 a floodplain, or for any other reason that prevents the area from
- 30 being developed, the distances described in clauses (A) and (B)
- 31 are measured from the city blocks located nearest to the river that
- 32 are capable of being developed.
- 33 (3) The permit applicant satisfies the criteria established by the
- 34 commission by rule adopted under IC 4-22-2. The criteria
- 35 established by the commission may require that the proposed
- 36 premises be located in an area or district set forth in subsection
- 37 (b)(3).
- 38 (4) The permit premises may not be located less than two hundred
- 39 (200) feet from facilities owned by a state educational institution.
- 40 (e) A permit may not be issued if the proposed permit premises is
- 41 the location of an existing three-way permit subject to IC 7.1-3-22-3.
- 42 SECTION 17. IC 7.1-3-20-16.4 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: **Sec. 16.4. (a) "River" for purposes of**
 3 **this title, means a natural or manmade watercourse or channel.**

4 **(b) A city may not establish a municipal riverfront development**
 5 **district project under section 16.1 of this chapter unless the length**
 6 **of the river within the city's corporate boundaries is navigable in**
 7 **fact:**

8 **(1) by a boat having a draft of not less than three (3) feet; and**

9 **(2) on the date the city legislative body adopts the ordinance**
 10 **or resolution that establishes the riverfront district.**

11 **The city shall have the river examined by a person with knowledge**
 12 **and expertise regarding watercourses. The person shall submit a**
 13 **written report to the city legislative body (as defined in**
 14 **IC 36-1-2-9(3) or IC 36-1-2-9(4)) regarding the extent to which the**
 15 **river is navigable in accordance with subdivision (1).**

16 **(c) A determination under this chapter that a river is navigable**
 17 **in accordance with subsection (b)(1) affects only whether a**
 18 **requirement for establishing a municipal riverfront development**
 19 **district project is satisfied and does not:**

20 **(1) impose any duty upon the riparian landowner or tenant;**

21 **(2) affect ownership of the bed of the river; or**

22 **(3) affect a determination of the river's navigability for**
 23 **purposes other than establishing a riverfront development**
 24 **district under this title.**

25 SECTION 18. IC 7.1-3-20-16.9 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2018]: **Sec. 16.9. (a) A permit that is**
 28 **authorized by this section may be issued without regard to the**
 29 **quota provisions of IC 7.1-3-22.**

30 **(b) Except as provided in section 16.3 of this chapter, the**
 31 **commission may issue not more than three (3) new three-way**
 32 **permits to sell alcoholic beverages for on-premises consumption to**
 33 **applicants within a public-private partnership redevelopment in**
 34 **the town of Munster.**

35 **(c) The following apply to permits issued under this section:**

36 **(1) An applicant for a permit under this section must be a**
 37 **proprietor, as owner or lessee, or both, of a restaurant located**
 38 **within a municipality's public-private partnership**
 39 **development.**

40 **(2) The cost of an initial permit is forty thousand dollars**
 41 **(\$40,000).**

42 **(3) If any of the permits issued under this section are revoked**



1 or not renewed, the commission may issue only enough new
 2 permits to bring the total number of permits to three (3)
 3 active permits.
 4 (4) The municipality may adopt an ordinance under
 5 IC 7.1-3-19-17 requiring a permit holder to enter into a
 6 formal written commitment as a condition of eligibility for a
 7 permit. As set forth in IC 7.1-3-19-17(b), a formal written
 8 commitment is binding on the permit holder and on any lessee
 9 or proprietor of the permit premises.
 10 (5) Notwithstanding IC 7.1-3-1-3.5, if business operations
 11 cease at the permit premises for more than six (6) months, the
 12 permit shall revert to the commission and the permit holder
 13 is not entitled to any refund or other compensation.
 14 (6) Except as provided in subdivision (8), the ownership of a
 15 permit may not be transferred.
 16 (7) A permit may not be transferred outside the area of the
 17 public-private partnership redevelopment for which the
 18 permit was issued.
 19 (8) If the area in which the permit premises is located is no
 20 longer designated a public-private partnership
 21 redevelopment, a permit issued under this section may be
 22 renewed, and the ownership of the permit may be transferred,
 23 but the permit may not be transferred from the public-private
 24 partnership redevelopment.
 25 (d) An application for a permit under this section must include
 26 the following documentation, which is required at the time the
 27 permit application is filed with the commission:
 28 (1) A detailed map showing:
 29 (A) definite boundaries of the entire public-private
 30 partnership redevelopment project; and
 31 (B) the location of the proposed permit premises within the
 32 project.
 33 (2) A copy of the local ordinance or resolution of the local
 34 governing body authorizing the public-private partnership
 35 redevelopment project.
 36 (3) Detailed information concerning the expenditures of state
 37 and city funds on the public-private partnership
 38 redevelopment project.
 39 SECTION 19. IC 7.1-3-20-17 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. ~~Service Bars.~~ (a)
 41 ~~An~~ A retail establishment which is licensed under the provisions of
 42 this article and which has a gross annual business of at least one



1 hundred thousand dollars (\$100,000), of which at least fifty percent
 2 (50%) is in the retail sale of food, may have, subject to the approval of
 3 the commission, a service bar ~~which is not in full, free and~~
 4 ~~unobstructed view~~ **that can be viewed** from a street or public highway.

5 (b) ~~An~~ **A retail** establishment shall qualify as to the gross annual
 6 business provision **described in subsection (a)**, if the projection of the
 7 first ninety (90) days of business for the establishment for one (1) year
 8 equals, or is greater than, one hundred thousand dollars (\$100,000), in
 9 the proportions set forth in subsection (a), as shown by the books and
 10 records of the establishment.

11 (c) **An artisan distillery, a brewery described under**
 12 **IC 7.1-3-2-7(5), and a farm winery may operate a bar, as defined**
 13 **in 905 IAC 1-41-1, or a service bar, as defined in IC 7.1-1-3-42:**

14 (1) **indoors or outdoors; and**

15 (2) **that may be viewed from a street or public highway.**

16 SECTION 20. IC 7.1-3-20-22 IS REPEALED [EFFECTIVE JULY
 17 1, 2018]. ~~Sec. 22. Resort Hotels: Seasonal Permits: The commission~~
 18 ~~may grant a seasonal permit to a resort hotel upon the application of its~~
 19 ~~owner or manager if he possesses the same qualifications that are~~
 20 ~~required for the issuance of corresponding permits to other applicants.~~
 21 ~~The seasonal permit shall entitle the permittee to sell beer, liquor, or~~
 22 ~~wine, from the fifteenth day of April to the fifteenth day of October,~~
 23 ~~both dates inclusive.~~

24 SECTION 21. IC 7.1-3-20-28 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2018]: **Sec. 28. (a) This section applies only**
 27 **to:**

28 (1) **Bargersville; and**

29 (2) **Martinsville.**

30 (b) **A permit that is authorized by this section may be issued**
 31 **without regard to the quota provisions of IC 7.1-3-22.**

32 (c) **The commission may issue not more than five (5) three-way**
 33 **retailer's permits to applicants for premises located within an**
 34 **economic development area, an area needing redevelopment, or a**
 35 **redevelopment district as established under IC 36-7-14 in a**
 36 **municipality's:**

37 (1) **redevelopment district; or**

38 (2) **economic revitalization area.**

39 **An applicant for a permit under this section must be a proprietor,**
 40 **as owner or lessee, or both, of a restaurant located within the area**
 41 **or district.**

42 (d) **The following apply to permits issued under this section:**



- 1 **(1) The cost of an initial permit is forty thousand dollars**
 2 **(\$40,000).**
- 3 **(2) If any of the permits issued under this section are revoked**
 4 **or not renewed, the commission may issue new permits.**
 5 **However, the total number of active permits issued under this**
 6 **section may not exceed ten (10) permits at any time. If any of**
 7 **the permits issued under this section are revoked or not**
 8 **renewed, the commission may issue only enough new permits**
 9 **to bring the total number of permits to ten (10) active permits,**
 10 **with not more than five (5) in each municipality.**
- 11 **(3) The municipality may adopt an ordinance under**
 12 **IC 7.1-3-19-17 requiring a permit holder to enter into a**
 13 **formal written commitment as a condition of eligibility for a**
 14 **permit. As set forth in IC 7.1-3-19-17(b), a formal written**
 15 **commitment is binding on the permit holder and on any lessee**
 16 **or proprietor of the permit premises.**
- 17 **(4) Notwithstanding IC 7.1-3-1-3.5, if business operations**
 18 **cease at the permit premises for more than six (6) months, the**
 19 **permit shall revert to the commission and the permit holder**
 20 **is not entitled to any refund or other compensation.**
- 21 **(5) Except as provided in subdivision (7), the ownership of a**
 22 **permit may not be transferred.**
- 23 **(6) A permit may not be transferred from the premises for**
 24 **which the permit was issued.**
- 25 **(7) If the area in which the permit premises is located is no**
 26 **longer designated a redevelopment district or an economic**
 27 **revitalization area, a permit issued under this section may be**
 28 **renewed, and the ownership of the permit may be transferred,**
 29 **but the permit may not be transferred from the permit**
 30 **premises.**
- 31 **(e) An application for a permit under this section must include**
 32 **the following documentation, which is required at the time the**
 33 **permit application is filed with the commission:**
- 34 **(1) A detailed map showing:**
- 35 **(A) definite boundaries of the entire:**
- 36 **(i) economic development area;**
 37 **(ii) area needing redevelopment; or**
 38 **(iii) redevelopment district in the municipality's**
 39 **redevelopment district or economic revitalization area;**
 40 **and**
- 41 **(B) the location of the proposed permit premises within the**
 42 **project.**



1 (2) A copy of the local ordinance or resolution of the local
2 governing body authorizing the economic development area,
3 area needing redevelopment, or redevelopment district in the
4 municipality's redevelopment district or economic
5 revitalization area.

6 (3) Detailed information concerning the expenditures of state
7 and city funds on the economic development area, area
8 needing redevelopment, or redevelopment district in the
9 municipality's redevelopment district or economic
10 revitalization area.

11 SECTION 22. IC 7.1-3-20-29 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2018]: **Sec. 29. (a) This section applies only**
14 **to the city of Greenwood.**

15 (b) A permit that is authorized by this section may be issued
16 without regard to the quota provisions of IC 7.1-3-22.

17 (c) The commission may issue not more than ten (10) three-way
18 retailer's permits to applicants for premises located in the city's
19 Eastside Economic Development Area. An applicant for a permit
20 must be a proprietor, as owner or lessee, or both, of a restaurant
21 located within the economic development area.

22 (d) The commission may issue not more than ten (10) three-way
23 retailer's permits to applicants for premises located in the city's
24 State Road 135 Economic Development Area. An applicant for a
25 permit must be a proprietor, as owner or lessee, or both, of a
26 restaurant located within the economic development area.

27 (e) The following apply to permits issued under this section:

28 (1) The cost of an initial permit is forty thousand dollars
29 (\$40,000).

30 (2) If any of the permits issued under this section are revoked
31 or not renewed, the commission may issue new permits.
32 However, each economic development area may not have
33 more than ten (10) active permits issued under this section at
34 any time. The total number of active permits issued under this
35 section may not exceed twenty (20) permits at any time. If any
36 of the permits issued under this section are revoked or not
37 renewed, the commission may issue only enough new permits
38 to bring the total number of permits to twenty (20) active
39 permits, with not more than ten (10) in each economic
40 development area listed in subsections (c) and (d).

41 (3) The municipality may adopt an ordinance under
42 IC 7.1-3-19-17 requiring a permit holder to enter into a



- 1 formal written commitment as a condition of eligibility for a
- 2 permit. As set forth in IC 7.1-3-19-17(b), a formal written
- 3 commitment is binding on the permit holder and on any lessee
- 4 or proprietor of the permit premises.
- 5 (4) Notwithstanding IC 7.1-3-1-3.5, if business operations
- 6 cease at the permit premises for more than six (6) months, the
- 7 permit shall revert to the commission and the permit holder
- 8 is not entitled to any refund or other compensation.
- 9 (5) Except as provided in subdivision (7), the ownership of a
- 10 permit may not be transferred.
- 11 (6) A permit may not be transferred from the premises for
- 12 which the permit was issued.
- 13 (7) If the area in which the permit premises is located is no
- 14 longer designated an economic development area, a permit
- 15 issued under this section may be renewed, and the ownership
- 16 of the permit may be transferred, but the permit may not be
- 17 transferred from the permit premises.
- 18 (f) An application for a permit under this section must include
- 19 the following documentation, which is required at the time the
- 20 permit application is filed with the commission:
- 21 (1) A detailed map showing:
- 22 (A) definite boundaries of the entire:
- 23 (i) Eastside Economic Development Area; or
- 24 (ii) State Road 135 Economic Development Area;
- 25 as applicable; and
- 26 (B) the location of the proposed permit premises within the
- 27 relevant economic development area.
- 28 (2) A copy of the local ordinance or resolution of the local
- 29 governing body authorizing the relevant economic
- 30 development area.
- 31 (3) Detailed information concerning the expenditures of state
- 32 and city funds on the relevant economic development area.
- 33 SECTION 23. IC 7.1-3-20-30 IS ADDED TO THE INDIANA
- 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 35 [EFFECTIVE JULY 1, 2018]: **Sec. 30. (a) This section applies only**
- 36 **to a bottling district.**
- 37 **(b) As used in this section, "bottling district" means a retail**
- 38 **shopping and food service district that has the following**
- 39 **characteristics:**
- 40 (1) The district consists of an area that:
- 41 (A) has been redeveloped, renovated, or environmentally
- 42 remediated in part with grants from the federal, state, or



- 1 local government; and
 2 (B) is entirely located within a one and one-half (1 1/2) mile
 3 radius of the center of a consolidated city.
- 4 (2) The district consists of land and a building or group of
 5 buildings that are part of a common development and that:
 6 (A) contains more than ten (10) retail stores;
 7 (B) is developed in a manner such that the district is
 8 self-contained upon a single plat;
 9 (C) is located within a locally designated historic district of
 10 a consolidated city; and
 11 (D) contains at least one (1) building that:
 12 (i) was formerly a bottling facility; and
 13 (ii) has been approved for present commercial use by the
 14 local historic preservation commission of the
 15 consolidated city.
- 16 (c) The commission may issue not more than five (5) three-way
 17 retailer's permits to sell alcoholic beverages for on-premises
 18 consumption to applicants who own or lease, or both, a building
 19 within the bottling district that contains retail space. The cost of an
 20 initial permit is forty thousand dollars (\$40,000).
- 21 (d) The commission may also issue a three-way retailer's permit
 22 to sell alcoholic beverages for on-premises consumption to an
 23 applicant that is the owner or developer of a building in the
 24 bottling district designated as a "food hall". A food hall is a single
 25 licensed permit premises that meets the following requirements:
 26 (1) The food hall contains at least ten (10) different food and
 27 beverage vendors. A food and beverage vending space is not
 28 subject to section 9(b) of this chapter.
 29 (2) The food hall has a seating capacity of at least one
 30 hundred (100) people.
 31 (3) The food hall and the managers operating in the food hall
 32 are exempt from IC 7.1-5-7-9 and IC 7.1-5-7-10.
- 33 (e) The commission may allow multiple managers that have
 34 each filed a manager's questionnaire, as required under
 35 IC 7.1-5-9-15, to operate concurrently within the permit premises
 36 of the designated food hall. A manager operating under a
 37 manager's questionnaire is subject to the following:
 38 (1) The manager shall:
 39 (A) maintain the manager's own retail merchant's
 40 certificate; and
 41 (B) be responsible for the payment of the manager's own
 42 taxes.



- 1 (2) The manager shall conform to all health and safety
2 requirements of local and state agencies.
- 3 (3) The manager shall comply with all requirements under
4 IC 7.1-5-9-15.
- 5 (4) The manager shall comply with IC 7.1-5-10-20 with regard
6 to the manager's own food and beverage vending space.
7 However, IC 7.1-5-10-20 does not prohibit a manager from
8 establishing sale prices for drinks that are different from the
9 sale prices for comparable drinks that are set by other
10 managers of food and beverage vending spaces in the food
11 hall.
- 12 (5) The manager is not required to comply with section 9(b)
13 of this chapter.
- 14 (f) A permit authorized by this section may be issued without
15 regard to the proximity provisions of IC 7.1-3-21-11 or the quota
16 provisions of IC 7.1-3-22.
- 17 (g) A permit issued under this section may not be transferred to
18 a location outside the bottling district.
- 19 SECTION 24. IC 7.1-3-20-31 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2018]: **Sec. 31. (a) This section applies only
22 to the town of Speedway.**
- 23 (b) A permit that is authorized by this section may be issued
24 without regard to the quota provisions of IC 7.1-3-22.
- 25 (c) The commission may issue not more than five (5) three-way
26 retailer's permits to applicants for premises located within an
27 economic development area, an area needing redevelopment, or a
28 redevelopment district as established under IC 36-7-14 in the town
29 of Speedway's:
- 30 (1) redevelopment district; or
31 (2) economic revitalization area.
- 32 An applicant for a permit under this section must be a proprietor,
33 as owner or lessee, or both, of a restaurant located within the area
34 or district.
- 35 (d) The following apply to permits issued under this section:
- 36 (1) The cost of an initial permit is forty thousand dollars
37 (\$40,000).
- 38 (2) If any of the permits issued under this section are revoked
39 or not renewed, the commission may issue new permits.
40 However, the total number of active permits issued under this
41 section may not exceed five (5) permits at any time. If any of
42 the permits issued under this section are revoked or not



- 1 renewed, the commission may issue only enough new permits
 2 to bring the total number of permits to five (5) active permits.
 3 (3) The town of Speedway may adopt an ordinance under
 4 IC 7.1-3-19-17 requiring a permit holder to enter into a
 5 formal written commitment as a condition of eligibility for a
 6 permit. As set forth in IC 7.1-3-19-17(b), a formal written
 7 commitment is binding on the permit holder and on any lessee
 8 or proprietor of the permit premises.
 9 (4) Notwithstanding IC 7.1-3-1-3.5, if business operations
 10 cease at the permit premises for more than six (6) months, the
 11 permit shall revert to the commission and the permit holder
 12 is not entitled to any refund or other compensation.
 13 (5) Except as provided in subdivision (7), the ownership of a
 14 permit may not be transferred.
 15 (6) A permit may not be transferred from the premises for
 16 which the permit was issued.
 17 (7) If the area in which the permit premises is located is no
 18 longer designated a redevelopment district or an economic
 19 revitalization area, a permit issued under this section may be
 20 renewed, and the ownership of the permit may be transferred,
 21 but the permit may not be transferred from the permit
 22 premises.
 23 (e) An application for a permit under this section must include
 24 the following documentation, which is required at the time the
 25 permit application is filed with the commission:
 26 (1) A detailed map showing:
 27 (A) definite boundaries of the entire:
 28 (i) economic development area;
 29 (ii) area needing redevelopment; or
 30 (iii) redevelopment district in the municipality's
 31 redevelopment district or economic revitalization area;
 32 and
 33 (B) the location of the proposed permit premises within the
 34 project.
 35 (2) A copy of the local ordinance or resolution of the local
 36 governing body authorizing the economic development area,
 37 area needing redevelopment, or redevelopment district in the
 38 municipality's redevelopment district or economic
 39 revitalization area.
 40 (3) Detailed information concerning the expenditures of state
 41 and city funds on the economic development area, area
 42 needing redevelopment, or redevelopment district in the



- 1 **municipality's redevelopment district or economic**
 2 **revitalization area.**
 3 SECTION 25. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015,
 4 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2018]: Sec. 11. (a) As used in this section, "wall" means a
 6 wall of a building. The term does not include a boundary wall.
 7 (b) Except as provided in subsections (c) and (g), the commission
 8 may not issue a permit for a premises if a wall of the premises is
 9 situated within two hundred (200) feet from a wall of a school or
 10 church, if no permit has been issued for the premises under the
 11 provisions of Acts 1933, Chapter 80. **However, the commission may**
 12 **issue a permit for a premises if the wall of the premises and the**
 13 **wall of a church are separated by at least eighty-five (85) feet,**
 14 **including a two (2) lane road having a width of at least thirty (30)**
 15 **feet.**
 16 (c) This section does not apply to the premises of a:
 17 (1) ~~grocery store, drug store, restaurant, hotel, catering hall, or~~
 18 ~~location for which the use of a supplemental catering permit has~~
 19 ~~been approved~~ **retailer or dealer permittee** if:
 20 (A) a wall of the premises is situated within two hundred (200)
 21 feet from a wall of a church or school;
 22 (B) the commission receives a written statement from the
 23 authorized representative of the church or school stating
 24 expressly that the church or school does not object to the
 25 issuance of the permit for the premises; and
 26 (C) the commission determines that the church or school does
 27 not object to the issuance of the permit for the premises; or
 28 (2) church or school that applies for a temporary beer or wine
 29 permit.
 30 (d) The commission shall base its determination under subsection
 31 (c)(1)(C) solely on the written statement of the authorized
 32 representative of the church or school.
 33 (e) If the commission does not receive the written statement of the
 34 authorized representative of the church or school, the premises of the
 35 ~~grocery store, drug store, restaurant, hotel, catering hall, or location for~~
 36 ~~which the use of a supplemental catering permit has been approved~~
 37 **retailer or dealer permittee** may not obtain the waiver allowed under
 38 this section.
 39 (f) If the commission determines that the church or school does not
 40 object, this section and IC 7.1-3-21-10 do not apply to the permit
 41 premises of the ~~grocery store, drug store restaurant, hotel, or catering~~
 42 ~~hall~~ **retailer or dealer permittee** on a subsequent renewal or transfer



- 1 of ownership.
- 2 (g) If the commission:
- 3 (1) receives a written statement from the authorized
- 4 representative of a church or school as described in subsection
- 5 (c)(1)(B); and
- 6 (2) determines the church or school does not object as described
- 7 in subsection (c)(1)(C);
- 8 the commission may not consider subsequent objections from the
- 9 church or school to the issuance of the same permit type at the same
- 10 premises location.
- 11 SECTION 26. IC 7.1-3-27-6, AS AMENDED BY P.L.79-2015,
- 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2018]: Sec. 6. (a) A holder of an artisan distiller's permit may
- 14 also hold **only** one (1) of the following:
- 15 (1) A farm winery permit.
- 16 (2) A brewer's permit issued under IC 7.1-3-2-2(b).
- 17 (3) A distiller's permit under IC 7.1-3-7.
- 18 (b) A holder of an artisan distiller's permit who also holds a permit
- 19 described under subsection (a)(2) may hold a beer retailer's permit, a
- 20 wine retailer's permit, or a liquor retailer's permit for a restaurant as
- 21 described in IC 7.1-3-2-7(5)(C).
- 22 SECTION 27. IC 7.1-3-27-8.5 IS ADDED TO THE INDIANA
- 23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2018]: **Sec. 8.5. (a) This section applies if:**
- 25 **(1) the holder of an artisan distillery permit also holds:**
- 26 **(A) a farm winery permit; or**
- 27 **(B) a brewer's permit under IC 7.1-3-2-7(5); and**
- 28 **(2) the artisan distillery and the holder's other production**
- 29 **facility occupy the same building.**
- 30 **(b) Notwithstanding any other provision, a person who holds**
- 31 **two (2) permits may sell for consumption on the premises all**
- 32 **alcoholic beverages:**
- 33 **(1) manufactured at the holder's two (2) production facilities;**
- 34 **and**
- 35 **(2) from one (1) or more bars located in a single tasting room.**
- 36 **The commission may not require any physical separation at the**
- 37 **bar between the service of alcoholic beverages manufactured by**
- 38 **one (1) production facility and the service of alcoholic beverages**
- 39 **manufactured by the permit holder's other production facility.**
- 40 **(c) This section does not exempt a permit holder from**
- 41 **complying with permit restrictions affecting the sales and service**
- 42 **of only one (1) of the alcoholic beverages manufactured by the**



- 1 **permit holder.**
 2 SECTION 28. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
 3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 4 UPON PASSAGE]:
 5 **Chapter 28. College Stadiums**
 6 **Sec. 1. As used in this chapter, "stadium" means an**
 7 **intercollegiate stadium that has a permanent seating capacity of at**
 8 **least seventy thousand (70,000) people.**
 9 **Sec. 2. (a) A stadium may:**
 10 (1) **submit a floor plan of proposed storage locations to the**
 11 **commission for approval; and**
 12 (2) **indicate the primary concessionaire operating at the**
 13 **stadium;**
 14 **if the stadium intends to allow alcoholic beverages to be stored at**
 15 **the stadium for use by a retailer permittee or supplemental caterer**
 16 **operating at the stadium.**
 17 (b) **The stadium may change the primary concessionaire**
 18 **operating at the stadium with notification to the commission.**
 19 **Sec. 3. A retailer permittee or a holder of a supplemental**
 20 **caterer's permit that operates at a stadium may purchase alcoholic**
 21 **beverages from a wholesaler or a brewery described in**
 22 **IC 7.1-3-2-7(5) and the wholesaler or brewery described in**
 23 **IC 7.1-3-2-7(5) may deliver the alcoholic beverages to the stadium**
 24 **to be stored in an area that has been approved by the commission.**
 25 **The alcoholic beverages may be stored temporarily or permanently**
 26 **to be served later by a retailer permittee or a holder of a**
 27 **supplemental caterer's permit.**
 28 **Sec. 4. This chapter does not restrict or limit the use of a**
 29 **supplemental caterer's permit at a stadium.**
 30 SECTION 29. IC 7.1-4-4.1-9, AS AMENDED BY P.L.214-2016,
 31 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2018]: Sec. 9. (a) This section applies to the following
 33 biennial permits:
 34 (1) Beer retailer's permit.
 35 (2) Liquor retailer's permit.
 36 (3) Wine retailer's permit.
 37 (4) One-way permit.
 38 (5) Two-way permit.
 39 (6) Three-way permit.
 40 (7) Airplane beer permit.
 41 (8) Airplane liquor permit.
 42 (9) Airplane wine permit.



- 1 (10) Boat beer permit.
 2 (11) Boat liquor permit.
 3 (12) Boat wine permit.
 4 (13) Dining car beer permit.
 5 (14) Dining car liquor permit.
 6 (15) Dining car wine permit.
 7 ~~(16) Hotel seasonal permit.~~
 8 (b) The commission shall charge a single fee for the issuance of any
 9 combination of retailer's permits issued for the same location or
 10 conveyance.
 11 (c) Except as provided in subsection (d), an annual permit fee in the
 12 following amount is imposed on a retailer:
 13 (1) Five hundred dollars (\$500), if the retailer serves only beer or
 14 only wine.
 15 (2) Seven hundred fifty dollars (\$750), if the retailer serves both
 16 beer and wine but no liquor.
 17 (3) One thousand dollars (\$1,000), if the retailer serves beer,
 18 wine, and liquor.
 19 (d) An annual permit fee for a three-way permit issued to a state
 20 park under IC 7.1-3-17.8-1 is two hundred fifty dollars (\$250).
 21 SECTION 30. IC 7.1-4-4.1-12, AS AMENDED BY P.L.224-2005,
 22 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2018]: Sec. 12. (a) This section applies to the following
 24 biennial permits:
 25 (1) Beer dealer's permit.
 26 (2) Liquor dealer's permit.
 27 ~~(3) Malt dealer's permit.~~
 28 ~~(4) (3) Wine dealer's permit.~~
 29 (b) The commission shall charge a single fee for the issuance of any
 30 combination of dealers' permits issued for the same location. The fee
 31 is equal to the sum of the amount determined under subsection (c).
 32 (c) An annual permit fee in the following amount is imposed on a
 33 dealer:
 34 (1) Five hundred dollars (\$500), if the dealer sells only beer, only
 35 liquor, or only wine.
 36 (2) Seven hundred fifty dollars (\$750), if the dealer sells:
 37 (A) both beer and wine but no liquor;
 38 (B) both wine and liquor but no beer; or
 39 (C) both beer and liquor but no wine.
 40 (3) One thousand dollars (\$1,000), if the dealer sells beer, wine,
 41 and liquor.
 42 SECTION 31. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006,



1 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2018]: Sec. 13. (a) This section applies to the following
3 permits:

- 4 (1) Beer wholesaler's permit.
5 ~~(2) Malt wholesaler's permit.~~
6 ~~(3) (2) Liquor wholesaler's permit.~~
7 ~~(4) (3) Wine wholesaler's permit.~~

8 (b) Except as provided in subsection (c), a permit fee of two
9 thousand dollars (\$2,000) is annually imposed for the issuance of each
10 of the permits described in subsection (a).

11 (c) A permit fee of one hundred dollars (\$100) is annually imposed
12 for the issuance of a wine wholesaler's permit to a permit applicant
13 who:

- 14 (1) has never previously held a wine wholesaler's permit and
15 anticipates selling less than twelve thousand (12,000) gallons of
16 wine and brandy in a year; or
17 (2) previously held a wine wholesaler's permit and certifies to the
18 commission that the permit applicant sold less than twelve
19 thousand (12,000) gallons of wine and brandy in the previous
20 year.

21 SECTION 32. IC 7.1-4-4.1-14, AS AMENDED BY P.L.79-2015,
22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2018]: Sec. 14. (a) This section applies to the following
24 permits:

- 25 (1) Brewer's permit for the manufacture of more than ninety
26 thousand (90,000) barrels of beer in a calendar year for sale or
27 distribution within Indiana.
28 (2) Distiller's permit.
29 ~~(3) Malt manufacturer's permit.~~
30 ~~(4) (3) Rectifier's permit.~~
31 ~~(5) (4) Vintner's permit.~~
32 ~~(6) (5) Wine bottler's permit.~~

33 (b) A permit fee of two thousand dollars (\$2,000) is annually
34 imposed for the issuance of each permit described in subsection (a).

35 SECTION 33. IC 7.1-4-5 IS REPEALED [EFFECTIVE JULY 1,
36 2018]. (Malt Excise Tax).

37 SECTION 34. IC 7.1-4-7-5 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. The department shall
39 deposit:

- 40 (1) four cents (\$0.04) of the beer excise tax rate collected on each
41 gallon of beer or flavored malt beverage;
42 (2) one dollar (\$1) of the liquor excise tax rate collected on each



1 gallon of liquor;

2 (3) twenty cents (\$0.20) of the wine excise tax rate collected on
3 each gallon of wine; **and**

4 ~~(4) the entire amount of malt excise tax collected; and~~

5 ~~(5) (4) the entire amount of hard cider excise tax collected;~~

6 daily with the treasurer of state and not later than the fifth day of the
7 following month shall cover them into the general fund of the state for
8 distribution as provided in this chapter.

9 SECTION 35. IC 7.1-5-6-3, AS AMENDED BY P.L.159-2014,
10 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2018]: Sec. 3. (a) It is unlawful for a person to act as a clerk
12 in a package liquor store, or as a bartender, waiter, waitress, or
13 manager for a retailer permittee unless that person has applied for and
14 been issued the appropriate permit. This section does not apply to
15 dining car or boat employees, **to a person described in IC 7.1-3-1.7,**
16 or to a person described in IC 7.1-3-18-9(d). A person who knowingly
17 or intentionally violates this subsection commits a Class B
18 misdemeanor.

19 (b) It is a defense to a charge under this section if, not later than
20 thirty (30) days after being cited by the commission, the person who
21 was cited produces evidence that the appropriate permit was issued by
22 the commission on the date of the citation.

23 (c) It is a defense to a charge under this section for a new applicant
24 for a permit if, not later than thirty (30) days after being cited by the
25 commission, the new applicant who was cited produces a receipt for a
26 cashier's check or money order showing that an application for the
27 appropriate permit was applied for on the date of the citation.

28 SECTION 36. IC 7.1-5-7-11, AS AMENDED BY P.L.270-2017,
29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2018]: Sec. 11. (a) The provisions of sections 9 and 10 of this
31 chapter shall not apply if the public place involved is one (1) of the
32 following:

- 33 (1) Civic center.
- 34 (2) Convention center.
- 35 (3) Sports arena.
- 36 (4) Bowling center.
- 37 (5) Bona fide club.
- 38 (6) Drug store.
- 39 (7) Grocery store.
- 40 (8) Boat.
- 41 (9) Dining car.
- 42 (10) Pullman car.



- 1 (11) Club car.
 2 (12) Passenger airplane.
 3 (13) Horse racetrack facility holding a recognized meeting permit
 4 under IC 4-31-5.
 5 (14) Satellite facility (as defined in IC 4-31-2-20.5).
 6 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
 7 public.
 8 (16) That part of a restaurant which is separate from a room in
 9 which is located a bar over which alcoholic beverages are sold or
 10 dispensed by the drink.
 11 (17) Entertainment complex.
 12 (18) Indoor golf facility.
 13 (19) A recreational facility such as a golf course, bowling center,
 14 or similar facility that has the recreational activity and not the sale
 15 of food and beverages as the principal purpose or function of the
 16 person's business.
 17 (20) A licensed premises owned or operated by a postsecondary
 18 educational institution described in IC 21-17-6-1.
 19 (21) An automobile racetrack.
 20 (22) An indoor theater under IC 7.1-3-20-26.
 21 (23) A senior residence facility campus (as defined in
 22 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or
 23 furnished as provided under IC 7.1-3-1-29.
 24 (24) A hotel other than a part of a hotel that is a room in a
 25 restaurant in which a bar is located over which alcoholic
 26 beverages are sold or dispensed by the drink.
 27 (25) The location of an allowable event to which IC 7.1-3-6.1
 28 applies.
 29 (26) The location of a charity auction to which IC 7.1-3-6.2
 30 applies.
 31 (27) A farm winery and any additional locations of the farm
 32 winery under IC 7.1-3-12, if the minor is in the company of a
 33 parent, legal guardian or custodian, or family member who is at
 34 least twenty-one (21) years of age.
 35 (28) An artisan distillery under IC 7.1-3-27, if:
 36 (A) the person who holds the artisan distiller's permit also
 37 holds a farm winery permit under IC 7.1-3-12; and
 38 (B) the minor is in the company of a parent, legal guardian or
 39 custodian, or family member who is at least twenty-one (21)
 40 years of age.
 41 **(29) A food hall (as described in IC 7.1-3-20-30(d)) in a**
 42 **bottling district under IC 7.1-3-20-30.**



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

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

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

9 (3) The purpose for being on the licensed premises is the
 10 consumption of food and not the consumption of alcoholic
 11 beverages.

12 SECTION 37. IC 7.1-5-10-12, AS AMENDED BY P.L.234-2017,
 13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2018]: Sec. 12. (a) Except as provided in subsections (b)
 15 through (d) and subsection (f), it is unlawful for a permittee to sell,
 16 offer to sell, purchase or receive, an alcoholic beverage for anything
 17 other than cash. A permittee who extends credit in violation of this
 18 section shall have no right of action on the claim.

19 (b) A permittee may credit to a purchaser the actual price charged
 20 for a package or an original container returned by the original
 21 purchaser as a credit on a sale and refund to a purchaser the amount
 22 paid by the purchaser for a container, or as a deposit on a container, if
 23 it is returned to the permittee.

24 (c) A manufacturer may extend usual and customary credit for
 25 alcoholic beverages sold to a customer who maintains a place of
 26 business outside this state when the alcoholic beverages are actually
 27 shipped to a point outside this state.

28 (d) An artisan distiller, a distiller, or a liquor or wine wholesaler
 29 may extend credit on liquor, flavored malt beverages, and wine sold to
 30 a permittee for a period of fifteen (15) days from the date of invoice,
 31 date of invoice included. However, if the fifteen (15) day period passes
 32 without payment in full, the wholesaler shall sell to that permittee on
 33 a cash on delivery basis only.

34 (e) A person who knowingly or intentionally violates this section
 35 commits a Class B misdemeanor.

36 (f) Nothing in this section may be construed to prohibit a retailer or
 37 dealer from **doing the following**:

38 (1) **Except as provided in subsection (g)**, extending credit to a
 39 consumer purchasing alcohol for personal use at any time as long
 40 as any amount owed to the retailer or dealer by a consumer for
 41 alcohol is paid in full before the consumer leaves the permittee's
 42 premises. ~~or~~



1 (2) Accepting a:
2 (A) credit card;
3 (B) debit card;
4 (C) charge card; or
5 (D) stored value card;
6 from a consumer purchasing alcohol for personal use.
7 **(g) A holder of a retailer's permit may extend credit at any time**
8 **to a consumer who:**
9 **(1) is a customer of the retailer; and**
10 **(2) purchases alcohol for personal use.**
11 **The consumer does not have to pay any amount owed by the**
12 **consumer to the retailer permittee before the consumer leaves the**
13 **permittee's premises.**
14 SECTION 38. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1419, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, delete lines 23 through 42.

Page 9, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 7. IC 7.1-3-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. **This section applies to a retailer or dealer permit that is deposited in escrow before July 1, 2019.** A permittee to whom a retailer or dealer permit has been issued under this title may deposit that permit with the commission for a period of one (1) year if the permittee is unable to immediately operate the business to which the permit applies. The commission may extend the term of the deposit for not more than four (4) additional one (1) year periods if the permittee is able to show to the satisfaction of the commission that the permittee is making a good faith effort to put the permit into operation.

SECTION 8. IC 7.1-3-1-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.7. (a) **This section applies to a retailer or dealer permit issued after June 30, 2019.**

(b) **A retailer or dealer permit that has been issued under this title may be deposited with the commission for a total of not more than three (3) years.**

(c) **The three (3) year deposit period described in subsection (b):**

- (1) **does not have to be consecutive;**
- (2) **can transfer to a new permittee;**
- (3) **is tied to the individual permit; and**
- (4) **cannot be extended.**

(d) **The commission shall track the amount of time that a permit has been deposited with the commission under this section and make this information available to the permittee.**

(e) **A retailer or dealer permit that is in escrow at the end of the three (3) year deposit period reverts to the commission. The permit holder is not entitled to any refund or other compensation."**

Page 17, line 21, strike "only".

Page 17, line 22, after "permit," insert "**a two-way permit, or a three-way permit,**".

Page 20, delete lines 19 through 29 and insert "**this title, means a natural or manmade watercourse or channel.**".

Page 20, line 38, delete "natural".

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Page 21, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 25. IC 7.1-3-20-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. **Service Bars:** (a) An establishment which is licensed under the provisions of this article and which has a gross annual business of at least one hundred thousand dollars (\$100,000); of which at least fifty percent (50%); is in the retail sale of food; may have subject to the approval of the commission; a service bar which is not in full, free and unobstructed view **that can be viewed** from a street or public highway.

(b) An establishment shall qualify as to the gross annual business provision if the projection of the first ninety (90) days of business for the establishment for one (1) year equals; or is greater than; one hundred thousand dollars (\$100,000); in the proportions set forth in subsection (a); as shown by the books and records of the establishment."

Page 24, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 31. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 28. College Stadiums

Sec. 1. As used in this chapter, "stadium" means an intercollegiate stadium that has a permanent seating capacity of at least seventy thousand (70,000) people.

Sec. 2. (a) A stadium may:

- (1) submit a floor plan of proposed storage locations to the commission for approval; and
- (2) indicate the primary concessionaire operating at the stadium;

if the stadium intends to allow alcoholic beverages to be stored at the stadium for use by a retailer permittee or supplemental caterer operating at the stadium.

(b) The stadium may change the primary concessionaire operating at the stadium with notification to the commission.

Sec. 3. A retailer permittee or a holder of a supplemental caterer's permit that operates at a stadium may purchase alcoholic beverages from a wholesaler or a brewery described in IC 7.1-3-2-7(5) and the wholesaler or brewery described in IC 7.1-3-2-7(5) may deliver the alcoholic beverages to the stadium to be stored in an area that has been approved by the commission. The alcoholic beverages may be stored temporarily or permanently to be served later by a retailer permittee or a holder of a supplemental caterer's permit.



Sec. 4. This chapter does not restrict or limit the use of a supplemental caterer's permit at a stadium."

Page 30, line 28, delete "wine".

Page 30, line 33, delete "wine retailer permittee." and insert "**holder of a wine retailer permit, two-way permit, or three-way permit.**".

Page 31, delete lines 28 through 42.

Page 32, delete lines 1 through 21, begin a new paragraph and insert:

"SECTION 43. IC 7.1-5-10-12, AS AMENDED BY P.L.234-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) Except as provided in subsections (b) through (d) and subsection (f), it is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(b) A permittee may credit to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale and refund to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if it is returned to the permittee.

(c) A manufacturer may extend usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state.

(d) An artisan distiller, a distiller, or a liquor or wine wholesaler may extend credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(f) Nothing in this section may be construed to prohibit a retailer or dealer from **doing the following:**

(1) **Except as provided in subsection (g)**, extending credit to a consumer purchasing alcohol for personal use at any time as long as any amount owed to the retailer or dealer by a consumer for alcohol is paid in full before the consumer leaves the permittee's premises. ~~or~~

(2) Accepting a:

(A) credit card;

(B) debit card;



(C) charge card; or
(D) stored value card;
from a consumer purchasing alcohol for personal use.
(g) A holder of a retailer's permit for a social club or fraternal club may extend credit at any time to a consumer who:
(1) is a member of the club; and
(2) purchases alcohol for personal use.
The consumer does not have to pay any amount owed by the consumer to the retailer permittee before the consumer leaves the permittee's premises."

Page 38, after line 21, begin a new paragraph and insert:
"SECTION 49. **An emergency is declared for this act.**"
Renummer all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1419 as introduced.)

SMALTZ

Committee Vote: yeas 13, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1419 be amended to read as follows:

Page 33, line 30, after "to" insert ":

(1) a grocery store that is generally known as a convenience store or food mart that is engaged in the retail sale of automotive fuels as described in IC 7.1-1-3-18.5(a)(2)(B); and
(2)".

Page 33, line 30, delete "store." and insert "**store.**

(b)".

Page 33, line 32, delete "(b)" and insert "(c)".

(Reference is to HB 1419 as printed January 26, 2018.)

LEHMAN



HOUSE MOTION

Mr. Speaker: I move that House Bill 1419 be amended to read as follows:

Page 21, delete lines 6 through 18, begin a new paragraph and insert:

"SECTION 24. IC 7.1-3-20-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. ~~Service Bars:~~ (a) ~~An A retail~~ establishment which is licensed under the provisions of this article and which has a gross annual business of at least one hundred thousand dollars (\$100,000), of which at least fifty percent (50%) is in the retail sale of food, may have, subject to the approval of the commission, a service bar ~~which is not in full, free and unobstructed view that can be viewed~~ from a street or public highway.

(b) ~~An A retail~~ establishment shall qualify as to the gross annual business provision **described in subsection (a)**, if the projection of the first ninety (90) days of business for the establishment for one (1) year equals, or is greater than, one hundred thousand dollars (\$100,000), in the proportions set forth in subsection (a), as shown by the books and records of the establishment.

(c) **An artisan distillery, a brewery described under IC 7.1-3-2-7(5), and a farm winery may operate a bar, as defined in 905 IAC 1-41-1, or a service bar, as defined in IC 7.1-1-3-42:**

- (1) **indoors or outdoors; and**
- (2) **that may be viewed from a street or public highway."**

(Reference is to HB 1419 as printed January 26, 2018.)

GIAQUINTA

 COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1419, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 21 with "[EFFECTIVE UPON PASSAGE]".

Page 6, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 3. IC 7.1-1-3-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16.5. The term

EH 1419—LS 7150/DI 87



"entertainment complex" means a premises that:

- (1) is a site for the performance of musical, theatrical, or other entertainment;
- (2) if located in a county containing a consolidated city:
 - (A) **either:**
 - (i) includes an area where at least two thousand (2,000) individuals may be seated at one (1) time in permanent seating; and
 - ~~(B) (ii)~~ **(ii)** is located in a facility that is ~~(†)~~ on the National Register of Historic Places or ~~(††)~~ **is located in a facility that is** within the boundaries of a historic district that is established by ordinance under IC 36-7-11-7; **or**
 - (B) is used by a nonprofit organization primarily for the professional performance of musical or theatrical entertainment that:**
 - (i) has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals; and**
 - (ii) is located entirely within a one (1) mile radius of the center of the consolidated city; and**
- (3) if located in a county other than a county containing a consolidated city, includes an area where at least twelve thousand (12,000) individuals may be seated at one (1) time in permanent seating."

Page 6, delete lines 6 through 42.

Delete page 7.

Page 8, delete lines 1 through 22.

Page 8, line 25, delete "that is deposited in escrow" and insert "issued".

Page 9, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 12. IC 7.1-3-1.5-13, AS AMENDED BY P.L.13-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) **Except as provided in IC 7.1-3-1.7**, a retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

- (1) ensure that each alcohol server completes a server program or a trainer program established or approved under section 5.5 or 6 of this chapter not later than one hundred twenty (120) days after the date the alcohol server begins employment at the establishment;
- (2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the



server program subject areas described in section 6 of this chapter or subject areas of a trainer program every three (3) years after the date the alcohol server completes a server program or a trainer program; and

(3) maintain training verification records of each alcohol server.

(b) A retailer permittee, a dealer permittee, or a management representative of a retailer or dealer permittee must complete a server program or a trainer program established or approved under section 5.5 or 6 of this chapter:

(1) not later than one hundred twenty (120) days after the date:

(A) the dealer permittee is issued a permit described in section 2 of this chapter; or

(B) the retailer permittee is issued a permit described in section 4 of this chapter; and

(2) every five (5) years after the date the retailer permittee, dealer permittee, or management representative of the retailer or dealer permittee completes a server program or a trainer program.

(c) The commission shall notify a:

(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and

(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;

of the requirements under subsections (a) and (b).

(d) The commission may suspend or revoke a retailer permittee's or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

SECTION 13. IC 7.1-3-1.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 1.7. Exempt Servers

Sec. 1. The following definitions apply throughout this chapter:

(1) "Accredited hospitality management program" means a hospitality management program that is:

(A) accredited by the Accreditation Commission for Programs in Hospitality Administration or a similar nationally recognized accrediting organization; and

(B) offered by a state educational institution.

(2) "State educational institution" has the meaning set forth in IC 21-7-13-32.

Sec. 2. (a) Notwithstanding any other law, a person at least eighteen (18) years of age may work as a waiter or waitress on the licensed premises of a retailer permittee without having attended



a server program or obtained a server certificate or employee permit if all of the following requirements are met:

- (1) The licensed premises is a restaurant operated by an accredited hospitality management program primarily for educational purposes.
- (2) The person is a student enrolled in a:
 - (A) state educational institution; and
 - (B) course offered by the accredited hospitality management program.
- (3) The licensed premises, state educational institution, or accredited hospitality management program does not pay the person to work at the licensed premises.
- (4) The person works under the supervision of an instructor employed by the state educational institution.

(b) This section does not permit a person to work as a bartender."

Page 10, line 20, delete "a single service bar." and insert "**one (1) or more bars located in a single tasting room.**"

Page 10, line 22, before "bar" delete "service".

Page 10, delete lines 30 through 42.

Delete pages 11 through 12.

Page 13, delete lines 1 through 38.

Page 13, between lines 38 and 39, begin a new paragraph and insert:
 "SECTION 16. IC 7.1-3-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. ~~Boat Beer Permits: Application.~~ The commission may issue a boat beer permit to:

- (1) the proprietor of a boat; **or**
- (2) **a concessionaire of the proprietor of a boat;**

engaged in regular passenger service and which makes regular runs in seasonable weather between established termini.

SECTION 17. IC 7.1-3-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~Boat Liquor Permits.~~ The commission may issue a boat liquor permit to a person who is:

- (1) the proprietor of a boat; **or**
- (2) **a concessionaire of the proprietor of a boat;**

and who is, and continues to be, the holder of a boat beer permit and boat wine permit. The commission may issue a boat liquor permit without publication of notice or having an investigation before a local board."

Page 14, line 16, after "holder's" delete "the".

Page 14, line 18, delete "a single service bar." and insert "**one (1) or more bars located in a single tasting room.**"



Page 14, line 20, before "bar" delete "service".

Page 14, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 19. IC 7.1-3-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. ~~Boat Wine Permits.~~

The commission may issue a boat wine permit to a person who is:

(1) the proprietor of a boat; **or**

(2) a concessionaire of the proprietor of a boat;

and who also is, and continues to be, the holder of a boat beer permit. The commission may issue a boat wine permit without publication of notice or having an investigation before a local board."

Page 14, delete lines 31 through 42.

Delete pages 15 through 17, begin a new paragraph, and insert:

"SECTION 23. IC 7.1-3-19-17, AS AMENDED BY P.L.214-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) This section applies to a permit issued under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k), IC 7.1-3-20-16(l), ~~or~~ IC 7.1-3-20-16.8, **IC 7.1-3-20-16.9, IC 7.1-3-20-28, IC 7.1-3-20-29, or IC 7.1-3-20-31**, if a municipal legislative body has adopted an ordinance requiring a formal written commitment as a condition of eligibility for a permit, as described in subsection (b).

(b) As a condition of eligibility for a permit, the applicant must enter into a formal written commitment with the municipal legislative body regarding the character or type of business that will be conducted on the permit premises. The municipal legislative body must adopt an ordinance approving the formal written commitment. A formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises. When an application for renewal of a permit is filed, the applicant shall forward a copy of the application to the municipal legislative body. The municipal legislative body shall receive notice of any filings, hearings, or other proceedings on the application for renewal from the applicant.

(c) A formal written commitment may be modified by the municipal legislative body with the agreement of the permit holder.

(d) Except as provided in subsection (f), the amount of time that a formal written commitment is valid may not be limited or restricted.

(e) A formal written commitment is terminated at the time a permit is revoked or not renewed.

(f) If the character or type of business violates the formal written commitments, the municipality may adopt a recommendation to the local board and the commission to:

(1) deny the permit holder's application to renew the permit; or



(2) revoke the permit holder's permit.

(g) The commission shall consider evidence at the hearing on the issue of whether the business violated the formal written commitments. If the commission determines there is sufficient evidence that the commitments have been violated by the permittee, the commission may:

- (1) deny the application to renew the permit; or
- (2) revoke the permit;

as applicable."

Page 18, delete lines 1 through 8.

Page 21, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 28. IC 7.1-3-20-16.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 16.9. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.**

(b) Except as provided in section 16.3 of this chapter, the commission may issue not more than three (3) new three-way permits to sell alcoholic beverages for on-premises consumption to applicants within a public-private partnership redevelopment in the town of Munster.

(c) The following apply to permits issued under this section:

(1) An applicant for a permit under this section must be a proprietor, as owner or lessee, or both, of a restaurant located within a municipality's public-private partnership development.

(2) The cost of an initial permit is forty thousand dollars (\$40,000).

(3) If any of the permits issued under this section are revoked or not renewed, the commission may issue only enough new permits to bring the total number of permits to three (3) active permits.

(4) The municipality may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(5) Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.



(6) Except as provided in subdivision (8), the ownership of a permit may not be transferred.

(7) A permit may not be transferred outside the area of the public-private partnership redevelopment for which the permit was issued.

(8) If the area in which the permit premises is located is no longer designated a public-private partnership redevelopment, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the public-private partnership redevelopment.

(d) An application for a permit under this section must include the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire public-private partnership redevelopment project; and

(B) the location of the proposed permit premises within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the public-private partnership redevelopment project.

(3) Detailed information concerning the expenditures of state and city funds on the public-private partnership redevelopment project."

Page 21, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 31. IC 7.1-3-20-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 28. (a) This section applies only to:**

(1) Bargersville; and

(2) Martinsville.

(b) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(c) The commission may issue not more than five (5) three-way retailer's permits to applicants for premises located within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14 in a municipality's:

(1) redevelopment district; or

(2) economic revitalization area.

An applicant for a permit under this section must be a proprietor,



as owner or lessee, or both, of a restaurant located within the area or district.

(d) The following apply to permits issued under this section:

(1) The cost of an initial permit is forty thousand dollars (\$40,000).

(2) If any of the permits issued under this section are revoked or not renewed, the commission may issue new permits. However, the total number of active permits issued under this section may not exceed ten (10) permits at any time. If any of the permits issued under this section are revoked or not renewed, the commission may issue only enough new permits to bring the total number of permits to ten (10) active permits, with not more than five (5) in each municipality.

(3) The municipality may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(4) Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.

(5) Except as provided in subdivision (7), the ownership of a permit may not be transferred.

(6) A permit may not be transferred from the premises for which the permit was issued.

(7) If the area in which the permit premises is located is no longer designated a redevelopment district or an economic revitalization area, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(e) An application for a permit under this section must include the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire:

(i) economic development area;

(ii) area needing redevelopment; or

(iii) redevelopment district in the municipality's redevelopment district or economic revitalization area;



and

(B) the location of the proposed permit premises within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the economic development area, area needing redevelopment, or redevelopment district in the municipality's redevelopment district or economic revitalization area.

(3) Detailed information concerning the expenditures of state and city funds on the economic development area, area needing redevelopment, or redevelopment district in the municipality's redevelopment district or economic revitalization area.

SECTION 32. IC 7.1-3-20-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 29. (a) This section applies only to the city of Greenwood.**

(b) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(c) The commission may issue not more than ten (10) three-way retailer's permits to applicants for premises located in the city's Eastside Economic Development Area. An applicant for a permit must be a proprietor, as owner or lessee, or both, of a restaurant located within the economic development area.

(d) The commission may issue not more than ten (10) three-way retailer's permits to applicants for premises located in the city's State Road 135 Economic Development Area. An applicant for a permit must be a proprietor, as owner or lessee, or both, of a restaurant located within the economic development area.

(e) The following apply to permits issued under this section:

(1) The cost of an initial permit is forty thousand dollars (\$40,000).

(2) If any of the permits issued under this section are revoked or not renewed, the commission may issue new permits. However, each economic development area may not have more than ten (10) active permits issued under this section at any time. The total number of active permits issued under this section may not exceed twenty (20) permits at any time. If any of the permits issued under this section are revoked or not renewed, the commission may issue only enough new permits to bring the total number of permits to twenty (20) active permits, with not more than ten (10) in each economic



development area listed in subsections (c) and (d).

(3) The municipality may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(4) Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.

(5) Except as provided in subdivision (7), the ownership of a permit may not be transferred.

(6) A permit may not be transferred from the premises for which the permit was issued.

(7) If the area in which the permit premises is located is no longer designated an economic development area, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(f) An application for a permit under this section must include the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire:

(i) Eastside Economic Development Area; or

(ii) State Road 135 Economic Development Area;

as applicable; and

(B) the location of the proposed permit premises within the relevant economic development area.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the relevant economic development area.

(3) Detailed information concerning the expenditures of state and city funds on the relevant economic development area.

SECTION 33. IC 7.1-3-20-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 30. (a) This section applies only to a bottling district.**

(b) As used in this section, "bottling district" means a retail shopping and food service district that has the following characteristics:



- (1) The district consists of an area that:
- (A) has been redeveloped, renovated, or environmentally remediated in part with grants from the federal, state, or local government; and
 - (B) is entirely located within a one and one-half (1 1/2) mile radius of the center of a consolidated city.
- (2) The district consists of land and a building or group of buildings that are part of a common development and that:
- (A) contains more than ten (10) retail stores;
 - (B) is developed in a manner such that the district is self-contained upon a single plat;
 - (C) is located within a locally designated historic district of a consolidated city; and
 - (D) contains at least one (1) building that:
 - (i) was formerly a bottling facility; and
 - (ii) has been approved for present commercial use by the local historic preservation commission of the consolidated city.

(c) The commission may issue not more than five (5) three-way retailer's permits to sell alcoholic beverages for on-premises consumption to applicants who own or lease, or both, a building within the bottling district that contains retail space. The cost of an initial permit is forty thousand dollars (\$40,000).

(d) The commission may also issue a three-way retailer's permit to sell alcoholic beverages for on-premises consumption to an applicant that is the owner or developer of a building in the bottling district designated as a "food hall". A food hall is a single licensed permit premises that meets the following requirements:

- (1) The food hall contains at least ten (10) different food and beverage vendors. A food and beverage vending space is not subject to section 9(b) of this chapter.
- (2) The food hall has a seating capacity of at least one hundred (100) people.
- (3) The food hall and the managers operating in the food hall are exempt from IC 7.1-5-7-9 and IC 7.1-5-7-10.

(e) The commission may allow multiple managers that have each filed a manager's questionnaire, as required under IC 7.1-5-9-15, to operate concurrently within the permit premises of the designated food hall. A manager operating under a manager's questionnaire is subject to the following:

- (1) The manager shall:
 - (A) maintain the manager's own retail merchant's



certificate; and

(B) be responsible for the payment of the manager's own taxes.

(2) The manager shall conform to all health and safety requirements of local and state agencies.

(3) The manager shall comply with all requirements under IC 7.1-5-9-15.

(4) The manager shall comply with IC 7.1-5-10-20 with regard to the manager's own food and beverage vending space. However, IC 7.1-5-10-20 does not prohibit a manager from establishing sale prices for drinks that are different from the sale prices for comparable drinks that are set by other managers of food and beverage vending spaces in the food hall.

(5) The manager is not required to comply with section 9(b) of this chapter.

(f) A permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(g) A permit issued under this section may not be transferred to a location outside the bottling district.

SECTION 34. IC 7.1-3-20-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 31. (a) This section applies only to the town of Speedway.**

(b) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(c) The commission may issue not more than five (5) three-way retailer's permits to applicants for premises located within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14 in the town of Speedway's:

(1) redevelopment district; or

(2) economic revitalization area.

An applicant for a permit under this section must be a proprietor, as owner or lessee, or both, of a restaurant located within the area or district.

(d) The following apply to permits issued under this section:

(1) The cost of an initial permit is forty thousand dollars (\$40,000).

(2) If any of the permits issued under this section are revoked or not renewed, the commission may issue new permits.



However, the total number of active permits issued under this section may not exceed five (5) permits at any time. If any of the permits issued under this section are revoked or not renewed, the commission may issue only enough new permits to bring the total number of permits to five (5) active permits.

(3) The town of Speedway may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(4) Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.

(5) Except as provided in subdivision (7), the ownership of a permit may not be transferred.

(6) A permit may not be transferred from the premises for which the permit was issued.

(7) If the area in which the permit premises is located is no longer designated a redevelopment district or an economic revitalization area, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(e) An application for a permit under this section must include the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire:

(i) economic development area;

(ii) area needing redevelopment; or

(iii) redevelopment district in the municipality's redevelopment district or economic revitalization area; and

(B) the location of the proposed permit premises within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the economic development area, area needing redevelopment, or redevelopment district in the municipality's redevelopment district or economic revitalization area.



(3) Detailed information concerning the expenditures of state and city funds on the economic development area, area needing redevelopment, or redevelopment district in the municipality's redevelopment district or economic revitalization area.

SECTION 35. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) Except as provided in subsections (c) and (g), the commission may not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church, if no permit has been issued for the premises under the provisions of Acts 1933, Chapter 80. **However, the commission may issue a permit for a premises if the wall of the premises and the wall of a church are separated by at least eighty-five (85) feet, including a two (2) lane road having a width of at least thirty (30) feet.**

(c) This section does not apply to the premises of a:

(1) ~~grocery store, drug store, restaurant, hotel, catering hall, or location for which the use of a supplemental catering permit has been approved~~ **retailer or dealer permittee** if:

(A) a wall of the premises is situated within two hundred (200) feet from a wall of a church or school;

(B) the commission receives a written statement from the authorized representative of the church or school stating expressly that the church or school does not object to the issuance of the permit for the premises; and

(C) the commission determines that the church or school does not object to the issuance of the permit for the premises; or

(2) church or school that applies for a temporary beer or wine permit.

(d) The commission shall base its determination under subsection (c)(1)(C) solely on the written statement of the authorized representative of the church or school.

(e) If the commission does not receive the written statement of the authorized representative of the church or school, the premises of the ~~grocery store, drug store, restaurant, hotel, catering hall, or location for which the use of a supplemental catering permit has been approved~~ **retailer or dealer permittee** may not obtain the waiver allowed under this section.

(f) If the commission determines that the church or school does not



object, this section and IC 7.1-3-21-10 do not apply to the permit premises of the ~~grocery store, drug store, restaurant, hotel, or catering hall~~ **retailer or dealer permittee** on a subsequent renewal or transfer of ownership.

(g) If the commission:

(1) receives a written statement from the authorized representative of a church or school as described in subsection (c)(1)(B); and

(2) determines the church or school does not object as described in subsection (c)(1)(C);

the commission may not consider subsequent objections from the church or school to the issuance of the same permit type at the same premises location."

Page 21, delete lines 33 through 42.

Delete pages 22 through 23.

Page 24, delete lines 1 through 13.

Page 24, line 38, delete "a single service bar." and insert "**one (1) or more bars located in a single tasting room.**"

Page 24, line 40, before "bar" delete "service".

Page 28, delete lines 13 through 42, begin a new paragraph, and insert:

"SECTION 39. IC 7.1-5-6-3, AS AMENDED BY P.L.159-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) It is unlawful for a person to act as a clerk in a package liquor store, or as a bartender, waiter, waitress, or manager for a retailer permittee unless that person has applied for and been issued the appropriate permit. This section does not apply to dining car or boat employees, **to a person described in IC 7.1-3-1.7,** or to a person described in IC 7.1-3-18-9(d). A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.

(b) It is a defense to a charge under this section if, not later than thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, not later than thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation."

Delete pages 29 through 31, begin a new paragraph and insert:

"SECTION 48. IC 7.1-5-7-11, AS AMENDED BY P.L.270-2017,



SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

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



(26) The location of a charity auction to which IC 7.1-3-6.2 applies.

(27) A farm winery and any additional locations of the farm winery under IC 7.1-3-12, if the minor is in the company of a parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age.

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

(A) the person who holds the artisan distiller's permit also holds a farm winery permit under IC 7.1-3-12; and

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

(29) A food hall (as described in IC 7.1-3-20-30(d)) in a bottling district under IC 7.1-3-20-30.

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

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

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

(3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages."

Page 32, delete lines 1 through 30.

Page 33, line 26, delete "for a social club or fraternal".

Page 33, line 27, delete "club".

Page 33, line 28, delete "member" and insert "**customer**".

Page 33, line 28, delete "club;" and insert "**retailer;**".

Page 33, delete lines 33 through 42.

Delete pages 34 through 38.

Page 39, delete lines 1 through 36.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1419 as reprinted January 30, 2018.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0.

EH 1419—LS 7150/DI 87

