

HOUSE BILL No. 1518

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-8.1; IC 7.1-1-3; IC 7.1-2; IC 7.1-3; IC 7.1-4; IC 7.1-5; IC 31-16-12-13; IC 31-25-4; IC 35-46-1-10.1.

Synopsis: Alcoholic beverage matters. Establishes requirements that a sales clerk in a grocery store or drug store must satisfy beginning July 1, 2021, in order to sell alcoholic beverages. Requires a grocery store, convenience store, or pharmacy (except for a specialty store or gourmet food store) to display alcoholic beverages in one area of the store. Provides that a grocery store that is a specialty or gourmet food store is primarily engaged in the retail sale of wine and miscellaneous specialty foods. Amends for consistency provisions allowing a manufacturer that has two types of production facilities in one building to serve alcohol from a single bar. Specifies that a person with an interest in an artisan distiller's permit may have an interest in only one other manufacturer's permit. Allows a patron to carry wine into: (1) a restaurant; or (2) an art instruction studio. Requires the alcohol and tobacco commission (ATC) to post on its Internet web site quarterly reports of permittee noncompliance rates and report the rates annually to the legislative council. Disqualifies persons having certain criminal convictions from receiving certain alcoholic beverage permits or being appointed to the ATC or local ATC board. Allows a private club to allow a customer to run a tab for alcohol purchases. Allows a brewery or farm winery permit holder to: (1) sell their product to a supplemental caterer for an outdoor event; and (2) sell wine (in the case of a brewery) or beer (in the case of a farm winery) without a retailer's permit. Amends the definition of "entertainment complex" to apply to all municipalities and facilities that have permanent seating for at least 2,000 individuals. Removes provisions restricting the permits issued for civic centers, auditoriums, marinas, stadiums, exhibition halls,
(Continued next page)

Effective: Upon passage; July 1, 2019.

Smaltz

January 17, 2019, read first time and referred to Committee on Public Policy.



convention centers, community centers, or social centers to political subdivisions of a certain population. Provides that a retailer's permit with carryout privileges that is exempt from gross retail requirements remains exempt if the permit is transferred to a new location. Increases the criminal and civil penalties for various offenses that involve minors and liquor. Provides that the money collected for various fees and excise taxes is distributed to the ATC's enforcement and administration fund (enforcement fund). (Current law provides that 34% is distributed to the enforcement fund and 66% to the state general fund.) Makes the following changes to permit escrow: (1) Reduces the total period that a permit may remain in escrow to three years and provides that the permit reverts to the ATC if the permit is not active or an extension approved when escrow expires. (2) Requires a request for escrow or an extension of escrow to occur at a public meeting. (3) If a final year of escrow is approved, requires payment of the permit renewal fee and a fee of 50% of the price paid to the ATC or the previous permit holder for the permit. (4) Prohibits a permit from being escrowed after June 30, 2019, if the permit holder or the permit holder's affiliates have a permit in escrow that is of the same type and issued for the same jurisdiction. (5) Prohibits ownership transfer of a permit in escrow except under certain conditions. Makes the following changes regarding permit ownership transfers: (1) Requires ATC review of an itemized purchase agreement. (2) Requires the ATC to maintain a public data base of information regarding private sales. (3) Provides that the advance cost transfer fee is the greater of \$250 or 10% of the permit purchase price and is deposited in the enforcement fund. (Current law provides that some permit transfer fees are deposited into the excise fund and 30% of the excise fund is distributed to the enforcement fund.) Provides that if municipal voters approve a public question to increase a municipality's retailer's permit quota, the municipality may establish an entertainment revitalization area in which additional three-way retailer's permits may be issued. 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. Repeals provisions regarding riverfront development permits. Establishes a salon permit for a \$100 annual fee that allows a licensed beauty salon to serve complimentary wine or beer to a customer who is receiving paid salon services. Allows the ATC to issue retailer's permits for: (1) a three-way retailer's permit (a master food hall permit) for a food hall containing multiple food and beverage vendors for an initial fee of \$100,000; and (2) a one-, two-, or three-way permit (food hall vendor's permit) for a person that has vendor food and beverage space within a food hall for an initial fee of \$25,000. Allows the holder of a food hall vendor's permit to have an interest in a brewer's permit. Provides requirements for an outdoor beer garden. Provides that an application for renewal of a permit may be filed not later than six months (instead of one year) after the permit expires. Provides that entertainment expenses that a permittee may legally give to another permittee include food and beverages that are deductible under federal tax provisions as business expenses.



Introduced

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1518

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

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.212-2018(ss),
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: 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 supplemental
5 wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the
6 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

2019

IN 1518—LS 7544/DI 87



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 heavy equipment rental
 7 excise tax (IC 6-6-15); the cigarette tax (IC 6-7-1); the beer excise tax
 8 (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax
 9 (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); ~~the malt excise~~
 10 ~~tax (IC 7.1-4-5)~~; the petroleum severance tax (IC 6-8-1); the various
 11 innkeeper's taxes (IC 6-9); the various food and beverage taxes
 12 (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil
 13 inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles
 14 (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for
 15 overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or
 16 fee that the department is required to collect or administer.

17 SECTION 2. IC 6-8.1-7-1, AS AMENDED BY P.L.86-2018,
 18 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 1. (a) This subsection does not apply to the
 20 disclosure of information concerning a conviction on a tax evasion
 21 charge. Unless in accordance with a judicial order or as otherwise
 22 provided in this chapter, the department, its employees, former
 23 employees, counsel, agents, or any other person may not divulge the
 24 amount of tax paid by any taxpayer, terms of a settlement agreement
 25 executed between a taxpayer and the department, investigation records,
 26 investigation reports, or any other information disclosed by the reports
 27 filed under the provisions of the law relating to any of the listed taxes,
 28 including required information derived from a federal return, except to
 29 any of the following when it is agreed that the information is to be
 30 confidential 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) The attorney general or any other legal representative of the



- 1 state in any action in respect to the amount of tax due under the
2 provisions of the law relating to any of the listed taxes.
- 3 (6) Any authorized officers of the United States.
- 4 (b) The information described in subsection (a) may be revealed
5 upon the receipt of a certified request of any designated officer of the
6 state tax department of any other state, district, territory, or possession
7 of the United States when:
- 8 (1) the state, district, territory, or possession permits the exchange
9 of like information with the taxing officials of the state; and
- 10 (2) it is agreed that the information is to be confidential and to be
11 used solely for tax collection purposes.
- 12 (c) The information described in subsection (a) relating to a person
13 on public welfare or a person who has made application for public
14 welfare may be revealed to the director of the division of family
15 resources, and to any director of a county office of the division of
16 family resources located in Indiana, upon receipt of a written request
17 from either director for the information. The information shall be
18 treated as confidential by the directors. In addition, the information
19 described in subsection (a) relating to a person who has been
20 designated as an absent parent by the state Title IV-D agency shall be
21 made available to the state Title IV-D agency upon request. The
22 information shall be subject to the information safeguarding provisions
23 of the state and federal Title IV-D programs.
- 24 (d) The name, address, Social Security number, and place of
25 employment relating to any individual who is delinquent in paying
26 educational loans owed to a postsecondary educational institution may
27 be revealed to that institution if it provides proof to the department that
28 the individual is delinquent in paying for educational loans. This
29 information shall be provided free of charge to approved postsecondary
30 educational institutions (as defined by IC 21-7-13-6(a)). The
31 department shall establish fees that all other institutions must pay to the
32 department to obtain information under this subsection. However, these
33 fees may not exceed the department's administrative costs in providing
34 the information to the institution.
- 35 (e) The information described in subsection (a) relating to reports
36 submitted under IC 6-6-1.1-502 concerning the number of gallons of
37 gasoline sold by a distributor and IC 6-6-2.5 concerning the number of
38 gallons of special fuel sold by a supplier and the number of gallons of
39 special fuel exported by a licensed exporter or imported by a licensed
40 transporter may be released by the commissioner upon receipt of a
41 written request for the information.
- 42 (f) The information described in subsection (a) may be revealed



1 upon the receipt of a written request from the administrative head of a
2 state agency of Indiana when:

- 3 (1) the state agency shows an official need for the information;
4 and
5 (2) the administrative head of the state agency agrees that any
6 information released will be kept confidential and will be used
7 solely for official purposes.

8 (g) The information described in subsection (a) may be revealed
9 upon the receipt of a written request from the chief law enforcement
10 officer of a state or local law enforcement agency in Indiana when it is
11 agreed that the information is to be confidential and to be used solely
12 for official purposes.

13 (h) The name and address of retail merchants, including township,
14 as specified in IC 6-2.5-8-1(k) may be released solely for tax collection
15 purposes to township assessors and county assessors.

16 (i) The department shall notify the appropriate innkeeper's tax
17 board, bureau, or commission that a taxpayer is delinquent in remitting
18 innkeepers' taxes under IC 6-9.

19 (j) All information relating to the delinquency or evasion of the
20 vehicle excise tax may be disclosed to the bureau of motor vehicles in
21 Indiana and may be disclosed to another state, if the information is
22 disclosed for the purpose of the enforcement and collection of the taxes
23 imposed by IC 6-6-5.

24 (k) All information relating to the delinquency or evasion of
25 commercial vehicle excise taxes payable to the bureau of motor
26 vehicles in Indiana may be disclosed to the bureau and may be
27 disclosed to another state, if the information is disclosed for the
28 purpose of the enforcement and collection of the taxes imposed by
29 IC 6-6-5.5.

30 (l) All information relating to the delinquency or evasion of
31 commercial vehicle excise taxes payable under the International
32 Registration Plan may be disclosed to another state, if the information
33 is disclosed for the purpose of the enforcement and collection of the
34 taxes imposed by IC 6-6-5.5.

35 (m) All information relating to the delinquency or evasion of the
36 excise taxes imposed on recreational vehicles and truck campers that
37 are payable to the bureau of motor vehicles in Indiana may be disclosed
38 to the bureau and may be disclosed to another state if the information
39 is disclosed for the purpose of the enforcement and collection of the
40 taxes imposed by IC 6-6-5.1.

41 (n) This section does not apply to:

- 42 (1) the beer excise tax, including brand and packaged type



- 1 (IC 7.1-4-2);
 2 (2) the liquor excise tax (IC 7.1-4-3);
 3 (3) the wine excise tax (IC 7.1-4-4);
 4 (4) the hard cider excise tax (IC 7.1-4-4.5);
 5 ~~(5) the malt excise tax (IC 7.1-4-5);~~
 6 ~~(6) (5) the vehicle excise tax (IC 6-6-5);~~
 7 ~~(7) (6) the commercial vehicle excise tax (IC 6-6-5.5); and~~
 8 ~~(8) (7) the fees under IC 13-23.~~
 9 (o) The name and business address of retail merchants within each
 10 county that sell tobacco products may be released to the division of
 11 mental health and addiction and the alcohol and tobacco commission
 12 solely for the purpose of the list prepared under IC 6-2.5-6-14.2.
 13 (p) The name and business address of a person licensed by the
 14 department under IC 6-6 or IC 6-7 may be released for the purpose of
 15 reporting the status of the person's license.
 16 (q) The department may release information concerning total
 17 incremental tax amounts under:
 18 (1) IC 5-28-26;
 19 (2) IC 36-7-13;
 20 (3) IC 36-7-26;
 21 (4) IC 36-7-27;
 22 (5) IC 36-7-31;
 23 (6) IC 36-7-31.3; or
 24 (7) any other statute providing for the calculation of incremental
 25 state taxes that will be distributed to or retained by a political
 26 subdivision or other entity;
 27 to the fiscal officer of the political subdivision or other entity that
 28 established the district or area from which the incremental taxes were
 29 received if that fiscal officer enters into an agreement with the
 30 department specifying that the political subdivision or other entity will
 31 use the information solely for official purposes.
 32 (r) The department may release the information as required in
 33 IC 6-8.1-3-7.1 concerning:
 34 (1) an innkeeper's tax, a food and beverage tax, or an admissions
 35 tax under IC 6-9;
 36 (2) the supplemental auto rental excise tax under IC 6-6-9.7; and
 37 (3) the covered taxes allocated to a professional sports
 38 development area fund, sports and convention facilities operating
 39 fund, or other fund under IC 36-7-31 and IC 36-7-31.3.
 40 (s) Information concerning state gross retail tax exemption
 41 certificates that relate to a person who is exempt from the state gross
 42 retail tax under IC 6-2.5-4-5 may be disclosed to a power subsidiary (as



1 defined in IC 6-2.5-4-5) or a person selling the services or commodities
 2 listed in IC 6-2.5-4-5(b) for the purpose of enforcing and collecting the
 3 state gross retail and use taxes under IC 6-2.5.

4 SECTION 3. IC 7.1-1-3-16.4, AS ADDED BY P.L.270-2017,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 16.4. "Entertainment", for purposes of IC 7.1-5-5,
 7 means the following:

8 (1) Participation in a sporting event.

9 (2) Attendance at a sporting event or an event featuring live
 10 performances.

11 **(3) Food and beverages that are deductible as business meal
 12 expenses under Section 274 of the Internal Revenue Code.**

13 SECTION 4. IC 7.1-1-3-16.5 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.5. The term
 15 "entertainment complex" means a premises that

16 (†) is a site for the performance of musical, theatrical, or other
 17 entertainment **and**

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

19 ~~(A) includes an area where at least two thousand (2,000)
 20 individuals may be seated at one (1) time in permanent
 21 seating. **and**~~

22 ~~(B) is located in a facility that is:~~

23 ~~(i) on the National Register of Historic Places; or~~

24 ~~(ii) located within the boundaries of a historic district that is
 25 established by ordinance under IC 36-7-11-7; and~~

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

30 SECTION 5. IC 7.1-1-3-18.5, AS ADDED BY P.L.94-2008,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 18.5. (a) "Grocery store" means a store or part of
 33 a store that is known generally as:

34 (1) a supermarket, grocery store, or delicatessen and is primarily
 35 engaged in the retail sale of a general food line, which may
 36 include:

37 (A) canned and frozen foods;

38 (B) fresh fruits and vegetables; and

39 (C) fresh and prepared meats, fish, and poultry;

40 (2) subject to subsection (b), a convenience store or food mart and
 41 is primarily engaged in:

42 (A) the retail sale of a line of goods that may include milk,



- 1 bread, soda, and snacks; or
 2 (B) the retail sale of automotive fuels and the retail sale of a
 3 line of goods that may include milk, bread, soda, and snacks;
 4 (3) a warehouse club, superstore, supercenter, or general
 5 merchandise store and is primarily engaged in the retail sale of a
 6 general line of groceries or gourmet foods in combination with
 7 general lines of new merchandise, which may include apparel,
 8 furniture, and appliances; or
 9 (4) a specialty or gourmet food store primarily engaged in the
 10 retail sale of **wine and** miscellaneous specialty foods not for
 11 immediate consumption and not made on the premises, not
 12 including:
 13 (A) meat, fish, and seafood;
 14 (B) fruits and vegetables;
 15 (C) confections, nuts, and popcorn; and
 16 (D) baked goods.
- 17 (b) The term includes a convenience store or food mart as described
 18 in subsection (a)(2) only if the sale of alcoholic beverages on the
 19 premises of the convenient store or food mart represents a percentage
 20 of annual gross sales of twenty-five percent (25%) or less of all items
 21 sold on the premises, excluding gasoline and automotive oil products.
- 22 (c) The term does not include an establishment known generally as
 23 a gas station that is primarily engaged in:
 24 (1) the retail sale of automotive fuels, which may include diesel
 25 fuel, gasohol, or gasoline; or
 26 (2) the retail sale of automotive fuels, which may include diesel
 27 fuel, gasohol, or gasoline and activities that may include
 28 providing repair service, selling automotive oils, replacement
 29 parts, and accessories, or providing food services.
- 30 SECTION 6. IC 7.1-2-1-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~Qualifications of~~
 32 ~~Commissioners~~. To be eligible for appointment as a commissioner, a
 33 person shall possess the following qualifications:
 34 (a) ~~He~~ **(1) The person shall must be at least** thirty-one (31) years
 35 of age. ~~or older.~~
 36 (b) ~~He~~ **(2) The person shall have a good moral character; and,**
 37 **may not have a conviction within ten (10) years before the**
 38 **date of appointment of:**
 39 (A) **a federal crime having a sentence of at least one (1)**
 40 **year;**
 41 (B) **an Indiana Class A, Class B, or Class C felony (for a**
 42 **crime committed before July 1, 2014) or a Level 1, Level 2,**



1 **Level 3, Level 4, or Level 5 felony (for a crime committed**
 2 **after June 30, 2014); or**
 3 **(C) a crime in a state other than Indiana having a penalty**
 4 **equal to the penalty for an Indiana Class A, Class B, or**
 5 **Class C felony (for a crime committed before July 1, 2014)**
 6 **or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony**
 7 **(for a crime committed after June 30, 2014).**

8 ~~(e) He~~ **(3) The person shall have been a must be an Indiana**
 9 ~~resident of the state~~ for at least ten (10) years immediately
 10 ~~preceding his the person's~~ appointment.

11 SECTION 7. IC 7.1-2-3-4 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~General Powers of~~
 13 ~~Commission.~~ The commission shall have the power to:

- 14 ~~(a) to~~ **(1)** hold hearings before the commission or its
- 15 representative;
- 16 ~~(b) to~~ **(2)** take testimony and receive evidence;
- 17 ~~(c) to~~ **(3)** conduct inquiries with or without hearings;
- 18 ~~(d) to~~ **(4)** receive reports of investigators or other governmental
- 19 officers and employees;
- 20 ~~(e) to~~ **(5)** administer oaths;
- 21 ~~(f) to~~ **(6)** subpoena witnesses and to compel them to appear and
- 22 testify;
- 23 ~~(g) to~~ **(7)** issue and enforce subpoenas duces tecum;
- 24 ~~(h) to~~ **(8)** take or institute proceedings to enforce subpoenas, the
- 25 rules and regulations, orders, or requirements of the commission
- 26 or its representative;
- 27 ~~(i) to~~ **(9)** fix the compensation paid to witnesses appearing before
- 28 the commission;
- 29 ~~(j) to~~ **(10)** establish and use a seal of the commission;
- 30 ~~(k) to~~ **(11)** certify copies of records of the commission or any
- 31 other document or record on file with the commission;
- 32 ~~(l) to~~ **(12)** fix the form, mode, manner, time, and number of times
- 33 for the posting or publication of any required notices if not
- 34 otherwise provided in this title;
- 35 ~~(m) to~~ **(13)** issue letters of extension as authorized by
- 36 IC 7.1-3-1-3.1; and
- 37 ~~(n) to~~ **(14)** hold permits on deposit as authorized by IC 7.1-3-1-3.5
- 38 **and IC 7.1-3-1.1.**

39 SECTION 8. IC 7.1-2-3-4.6 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2019]: **Sec. 4.6. (a) The commission shall prepare quarterly**
 42 **reports that provide the rates of violation by permittees subject to**



1 an enforcement action under IC 7.1-5-7-17. The commission shall
2 issue the quarterly reports on or before the fifteenth day of:

3 (1) January, concerning violations committed during the
4 preceding quarter consisting of the months of October
5 through December;

6 (2) April, concerning violations committed during the
7 preceding quarter consisting of the months of January
8 through March;

9 (3) July, concerning violations committed during the
10 preceding quarter consisting of the months of April through
11 June; and

12 (4) October, concerning violations committed during the
13 preceding quarter consisting of the months of July through
14 September.

15 (b) The commission's quarterly report must provide
16 noncompliance rates of violations by:

17 (1) business listing;

18 (2) permit type; and

19 (3) county.

20 (c) The commission shall post the quarterly reports on the
21 commission's Internet web site. The commission shall:

22 (1) prepare a report annually that compiles the rates for the
23 preceding calendar year; and

24 (2) provide the report to the legislative council not later than
25 February 1 of each year in an electronic format under
26 IC 5-14-6.

27 SECTION 9. IC 7.1-2-4-2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~Qualifications of~~
29 ~~Appointed Members~~. An appointed member of a local board shall
30 possess the following qualifications:

31 (a) ~~He~~ (1) ~~The person shall~~ must be at least twenty-one (21)
32 years of age. ~~or older~~;

33 (b) ~~He~~ (2) ~~The person shall have been~~ must be a bona fide
34 resident of the county in which ~~he~~ the person is to serve for at
35 least five (5) years immediately preceding his the person's
36 appointment.

37 (c) ~~He~~ (3) ~~The person shall never have been convicted of a felony~~
38 ~~under the laws of this state or of the United States; and may not~~
39 ~~have a conviction within ten (10) years before the date of~~
40 ~~appointment of:~~

41 (A) a federal crime having a sentence of at least one (1)
42 year;



- 1 **(B) an Indiana Class A, Class B, or Class C felony (for a**
- 2 **crime committed before July 1, 2014) or a Level 1, Level 2,**
- 3 **Level 3, Level 4, or Level 5 felony (for a crime committed**
- 4 **after June 30, 2014); or**
- 5 **(C) a crime in a state other than Indiana having a penalty**
- 6 **equal to the penalty for an Indiana Class A, Class B, or**
- 7 **Class C felony (for a crime committed before July 1, 2014)**
- 8 **or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony**
- 9 **(for a crime committed after June 30, 2014).**
- 10 ~~(d) He shall have a good moral character.~~

11 SECTION 10. IC 7.1-2-4-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~Qualifications of~~
 13 ~~Designated Members.~~ **(a) The designated member of a local board shall**
 14 **be a person of good moral character, meet the following**
 15 **requirements:**

- 16 **(1) The person must be an Indiana a resident. of Indiana and**
- 17 **(2) The person must be familiar with the laws of Indiana**
- 18 **concerning alcoholic beverages. beverage law.**
- 19 **(3) The person may not have a conviction within ten (10) years**
- 20 **before the date of appointment of:**

- 21 **(A) a federal crime having a sentence of at least one (1)**
- 22 **year;**
- 23 **(B) an Indiana Class A, Class B, or Class C felony (for a**
- 24 **crime committed before July 1, 2014) or a Level 1, Level 2,**
- 25 **Level 3, Level 4, or Level 5 felony (for a crime committed**
- 26 **after June 30, 2014); or**
- 27 **(C) a crime in a state other than Indiana having a penalty**
- 28 **equal to the penalty for an Indiana Class A, Class B, or**
- 29 **Class C felony (for a crime committed before July 1, 2014)**
- 30 **or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony**
- 31 **(for a crime committed after June 30, 2014).**

32 **(b) The designated member may be an officer or employee of the**
 33 **commission.**

34 SECTION 11. IC 7.1-3-1-3, AS AMENDED BY P.L.196-2015,
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 3. (a) A permit of any type issued by the
 37 commission, except as provided in subsections (b) and (f) or unless
 38 otherwise provided in this title, shall be in force for one (1) calendar
 39 year only, including the day upon which it is granted. At the end of the
 40 one (1) year period the permit shall be fully expired and null and void.

41 (b) Notwithstanding subsection (a), a permit that is subject to
 42 section 5.5 or 5.6 of this chapter is effective for two (2) calendar years,



1 including the day upon which the permit is granted. However, a local
 2 board may recommend to the commission that the permit be issued or
 3 renewed for only a one (1) year period. The commission may issue or
 4 renew a permit for the period recommended by the local board.

5 (c) A permittee who is granted a two (2) year permit under
 6 subsection (b) or subsection (f) is liable for any annual fees assessed by
 7 the commission. The annual fee is due on the annual anniversary date
 8 upon which the permit was granted.

9 (d) If the commission grants a two (2) year permit, the commission
 10 may ask a local board to hold a hearing to reconsider the duration of a
 11 permittee's permit. A hearing held under this subsection is subject to
 12 section 5.5 or 5.6 of this chapter. A local board shall hold the hearing
 13 requested by the commission within thirty (30) days before the
 14 permittee's next annual anniversary date and forward a
 15 recommendation to the commission following the hearing.

16 (e) If a permittee is granted a permit for more than one (1) year, the
 17 commission shall require the permittee to file annually with the
 18 commission the information required for an annual permit renewal.

19 (f) Notwithstanding subsection (a), the following are effective for
 20 two (2) calendar years, including the day upon which the permit is
 21 granted:

22 (1) A beer wholesaler's permit issued under IC 7.1-3-3-1.

23 (2) A wine wholesaler's permit issued under IC 7.1-3-13-1.

24 (3) A liquor wholesaler's permit issued under IC 7.1-3-8-1.

25 (g) Except as provided in subsection (h), the commission shall
 26 timely process a permittee's application for renewal of a permit unless
 27 the permittee receives a notice of a violation from the office of the
 28 prosecutor created under IC 7.1-2-2-1.

29 (h) The commission may timely process an application for renewal
 30 of a permit filed by a permittee that receives notice of a violation as
 31 described in subsection (g) if the chairman or the chairman's designee
 32 authorizes the application for renewal of the permit to be timely
 33 processed.

34 (i) Except as provided in subsection (k), a permittee may file an
 35 application for renewal of a permit not later than:

36 (1) one (1) year after the date the permit expires **(in the case of a**
 37 **permit that expires before July 1, 2019); or**

38 **(2) six (6) months after the date the permit expires (in the case**
 39 **of a permit that expires after June 30, 2019).**

40 (j) Except as provided in subsection (k), if a permittee does not file
 41 an application for renewal of a permit within ~~one (1) year~~ **as the time**
 42 **provided in subsection (i), the permit reverts to the commission. At**



1 least thirty (30) days before the date that a permit reverts to the
 2 commission, the commission shall provide written notice to the
 3 permittee informing the permittee of the date that the permittee's permit
 4 will revert to the commission.

5 (k) Subject to subsection (l), a permittee:

6 **(1) under subsection (i)(1) may file an application for renewal of**
 7 **a permit more than one (1) year after the date the permit expires**
 8 **if, not later than one (1) year after the date the permit expires, the**
 9 **permittee obtains approval from the chairman or the chairman's**
 10 **designee for an extension to file the application for renewal; or**
 11 **(2) under subsection (i)(2) may file an application for renewal**
 12 **of a permit more than six (6) months after the date the permit**
 13 **expires if, not later than six (6) months after the date the**
 14 **permit expires, the permittee obtains approval from the**
 15 **chairman or the chairman's designee for an extension to file**
 16 **the application for renewal.**

17 (l) The chairman may allow the permittee to renew the permit:

18 **(1) more than one (1) year, in the case of a permittee under**
 19 **subsection (k)(1); or**

20 **(2) more than six (6) months in the case of a permittee under**
 21 **subsection (k)(2);**

22 after the date the permit expires only if the permittee provides evidence
 23 that the permittee is engaged in an administrative or court proceeding
 24 that prevents the permittee from renewing the permit.

25 (m) A permit is effective upon the final approval of the commission.
 26 Upon final approval of a permit, and upon the request of the permittee,
 27 the commission shall provide the permittee with a letter of authority to
 28 operate. The letter of authority to operate constitutes authorization for
 29 the permittee to perform the actions allowed under the permit until the
 30 date the permittee receives the permit issued by the commission.

31 SECTION 12. IC 7.1-3-1-3.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. **(a) This**
 33 **section only applies to a retailer or dealer permit that is deposited**
 34 **with the commission before July 1, 2019.**

35 **(b) A permittee to whom a retailer or dealer permit has been issued**
 36 **under this title may deposit that permit with the commission for a**
 37 **period of one (1) year if the permittee is unable to immediately operate**
 38 **the business to which the permit applies. Subject to subsections (d)**
 39 **through (e), the commission may extend the term of the deposit for not**
 40 **more than four (4) additional one (1) year periods if the permittee is**
 41 **able to show to the satisfaction of the commission that the permittee is**
 42 **making a good faith effort to put the permit into operation. under**



1 **IC 7.1-3-1.1.**

2 (c) **This subsection applies to a permit that is deposited with the**
 3 **commission before July 1, 2016. The permit reverts to the**
 4 **commission if the permit is not active before July 1, 2020.**

5 (d) **This subsection applies to a permit that is deposited with the**
 6 **commission after June 30, 2016, and before July 1, 2018. The**
 7 **permit reverts to the commission if the permit is not active before**
 8 **the earlier of:**

9 (1) **the date the permit's term of deposit expires and an**
 10 **extension of the term of deposit is not approved by the**
 11 **commission or may not be approved by the commission under**
 12 **IC 7.1-3-1.1-8(e); or**

13 (2) **July 1, 2021.**

14 (e) **This subsection applies to a permit that is deposited with the**
 15 **commission after June 30, 2018, and before July 1, 2019. The**
 16 **permit reverts to the commission if the permit is not active before**
 17 **the earlier of:**

18 (1) **the date the permit's term of deposit expires and an**
 19 **extension of the term of deposit is not approved by the**
 20 **commission or may not be approved by the commission under**
 21 **IC 7.1-3-1.1-8(e); or**

22 (2) **July 1, 2022.**

23 (f) **This section expires July 1, 2024.**

24 SECTION 13. IC 7.1-3-1-5, AS AMENDED BY P.L.196-2015,
 25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), an
 27 application for a permit to sell alcoholic beverages of any kind, and the
 28 required publication of notice, shall disclose the name of the applicant
 29 and the specific address where the alcoholic beverages are to be sold,
 30 and any assumed business name under which the business will be
 31 conducted. The application and notice also shall disclose the names
 32 and addresses of the president and secretary of the corporation, club,
 33 association, or organization who will be responsible to the public for
 34 the sale of the alcoholic beverage if the applicant is a corporation, club,
 35 association, or other type of organization.

36 (b) An application for a permit may be processed by the commission
 37 while the location of the permit premises is pending, upon a showing
 38 of need by the permit applicant. Any permit issued by the commission
 39 while the location of the permit premises is pending shall be placed
 40 immediately into escrow **on deposit with the commission under**
 41 **IC 7.1-3-1-3.5 (before July 1, 2019) or (after June 30, 2019)**
 42 **IC 7.1-3-1.1** upon approval of the permit by the commission. If a



1 permit issued by the commission is ~~placed into escrow~~ **deposited with**
 2 **the commission** under this subsection:

3 (1) the applicant must go before the local board for approval of
 4 the applicant; **and**

5 (2) before making ~~a the permit in escrow~~ active, the permittee
 6 must go before the local board for approval of the location.

7 SECTION 14. IC 7.1-3-1-18, AS AMENDED BY P.L.196-2015,
 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 18. (a) Except as provided in subsections (d) and
 10 (e), if publication of notice of application for a permit is required under
 11 this title, the publication shall be made in one (1) newspaper of general
 12 circulation published in the county where the permit is to be in effect.

13 (b) Publication required under subsection (a) may be made in any
 14 newspaper of general circulation published one (1) or more times each
 15 week.

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

19 (d) The commission may publish notice of application for a
 20 ~~(1) three-way permit for a restaurant described in~~
 21 ~~IC 7.1-3-20-12(4) or~~

22 ~~(2) seasonal permit granted under IC 7.1-3-20-22;~~
 23 by posting the notice on the commission's Internet web site.

24 (e) If:
 25 (1) the commission is unable to procure advertising of a notice as
 26 required under subsection (a) at the rates set forth in IC 5-3-1; or
 27 (2) the newspaper published in the county as described in
 28 subsection (a) refuses to publish the notice;

29 the commission may, instead of publication in a newspaper as required
 30 under subsection (a), require the designated member of the local board
 31 of the county to post printed notices in three (3) prominent locations in
 32 the county.

33 SECTION 15. IC 7.1-3-1-25, AS AMENDED BY P.L.119-2012,
 34 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2019]: Sec. 25. (a) ~~A city or county listed in this subsection~~
 36 **county, city, town, or township** that by itself or in combination with
 37 any other ~~municipal~~ **body of a county, city, town, or township**
 38 acquires by ownership or by lease any stadium, exhibition hall,
 39 auditorium, theater, convention center, or civic center may permit the
 40 retail sale of alcoholic beverages upon the premises if the governing
 41 board of the facility first applies for and secures the necessary permits
 42 as required by this title. ~~The cities and counties to which this~~



- 1 subsection applies are as follows:
- 2 (1) A consolidated city or its county.
- 3 (2) A second class city.
- 4 (3) A county having a population of more than one hundred
- 5 eighty-five thousand (185,000) but less than two hundred fifty
- 6 thousand (250,000):
- 7 (4) A county having a population of more than one hundred
- 8 seventy-five thousand (175,000) but less than one hundred
- 9 eighty-five thousand (185,000):
- 10 (5) A county having a population of more than one hundred
- 11 twenty-five thousand (125,000) but less than one hundred
- 12 thirty-five thousand (135,000):
- 13 (6) A county having a population of more than three hundred
- 14 thousand (300,000) but less than four hundred thousand
- 15 (400,000):
- 16 (7) A city having a population of more than four thousand nine
- 17 hundred fifty (4,950) but less than five thousand (5,000):
- 18 (8) A county having a population of more than one hundred
- 19 thirty-five thousand (135,000) but less than one hundred
- 20 thirty-eight thousand (138,000):
- 21 (9) A county having a population of more than two hundred
- 22 seventy thousand (270,000) but less than three hundred thousand
- 23 (300,000):
- 24 (b) A county having a population of more than four hundred
- 25 thousand (400,000) but less than seven hundred thousand (700,000) or
- 26 a township located in such a county that has established a public park
- 27 with a golf course within its jurisdiction under IC 36-10-3 or
- 28 IC 36-10-7 may be issued a permit for the retail sale of alcoholic
- 29 beverages on the premises of any community center within the park,
- 30 including a clubhouse, social center, or pavilion.
- 31 (c) A township that:
- 32 (1) is located in a county having a population of more than one
- 33 hundred five thousand (105,000) but less than one hundred ten
- 34 thousand (110,000); and
- 35 (2) acquires ownership of a golf course;
- 36 may permit the retail sale of alcoholic beverages upon the premises of
- 37 the golf course; if the governing board of the golf course first applies
- 38 for and secures the necessary permits required by this title:
- 39 (d) (b) A county or township (1) having a population of more than
- 40 thirty-five thousand (35,000) but less than one hundred thousand
- 41 (100,000); and (2) located in a county having a population of more than
- 42 four hundred thousand (400,000) but less than seven hundred thousand



1 (~~700,000~~); may be issued a permit for the retail sale of alcoholic
 2 beverages on the premises of any community center, **including a**
 3 **clubhouse, pavilion,** or social center that is located within a **public**
 4 **park the township and or** operated by the township.

5 (e) (c) A **county, city, town, or township** that owns a golf course
 6 may permit the retail sale of alcoholic beverages upon the premises of
 7 the golf course if the governing board of the golf course first applies for
 8 and secures the necessary permits required by this title.

9 (f) A city that:

10 (1) has a population of more than twenty-nine thousand six
 11 hundred (29,600) but less than twenty-nine thousand nine
 12 hundred (29,900); and

13 (2) owns or leases a marina;

14 may permit the retail sale of alcoholic beverages upon the premises of
 15 the marina if the governing board of the marina first applies for and
 16 secures the necessary permits required by this title. The permit may
 17 include the carryout sale of alcoholic beverages in accordance with
 18 IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29
 19 but may not include at-home delivery of alcoholic beverages.

20 (g) (d) A city, **town, or township** listed in this subsection that owns
 21 a marina may be issued a permit for the retail sale of alcoholic
 22 beverages on the premises of the marina. The permit may include the
 23 carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c),
 24 IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not
 25 include at-home delivery of alcoholic beverages. However, the city,
 26 **town, or township** must apply for and secure the necessary permits
 27 that this title requires. This subsection applies to the following cities:

28 (1) A city having a population of more than eighty thousand
 29 (80,000) but less than eighty thousand four hundred (80,400).

30 (2) A city having a population of more than eighty thousand five
 31 hundred (80,500) but less than one hundred thousand (100,000).

32 (3) A city having a population of more than thirty-one thousand
 33 (31,000) but less than thirty-one thousand five hundred (31,500).

34 (4) A city having a population of more than thirty-six thousand
 35 eight hundred twenty-five (36,825) but less than forty thousand
 36 (40,000).

37 (5) A city having a population of more than forty-four thousand
 38 five hundred (44,500) but less than forty-five thousand (45,000).

39 (h) (e) Notwithstanding subsection (a), the commission may issue
 40 a civic center permit to a person that:

41 (1) by the person's self or in combination with another person is
 42 the proprietor, as owner or lessee, of an entertainment complex;



1 or

2 (2) has an agreement with a person described in subdivision (1)
3 to act as a concessionaire for the entertainment complex for the
4 full period for which the permit is to be issued.

5 SECTION 16. IC 7.1-3-1.1 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]:

8 **Chapter 1.1. Deposit of Retailer and Dealer Permits**

9 **Sec. 1. A permit deposited with the commission:**

10 (1) before July 1, 2019, is subject to this chapter, except to the
11 extent that it conflicts with IC 7.1-3-1-3.5; and
12 (2) after June 30, 2019, is subject to this chapter.

13 **Sec. 2. As used in this chapter, "affiliate" means:**

14 (1) a permit holder's parent, brother, sister, son, or daughter
15 whether by adoption, whole blood, half-blood, or marriage;
16 (2) a permit holder's spouse;
17 (3) a permit holder's employee, director, officer, partner, or
18 joint venturer;
19 (4) a corporation subject to common control with the permit
20 holder;
21 (5) a shareholder or corporation that controls the permit
22 holder; or
23 (6) a corporation controlled by the permit holder other than
24 as a fiduciary, an attorney, or an agent.

25 **Sec. 3. (a) If a permit holder is unable to immediately operate**
26 **the business for which the permit was issued, the permit holder**
27 **shall deposit the permit with the commission, subject to the**
28 **commission's approval. The commission may approve the deposit**
29 **of the permit for the following terms:**

30 (1) An initial term of deposit that expires twelve (12) months
31 after the date of the commission's approval.
32 (2) An extension of the term of deposit that expires twelve (12)
33 months after the date the initial term of deposit under
34 subdivision (1) expires.
35 (3) A final extension of the term of deposit that expires twelve
36 (12) months after the date that the extension of the term of
37 deposit under subdivision (2) expires.

38 (b) If the permit has not expired or reverted to the commission,
39 a permit holder may withdraw a permit that is deposited with the
40 commission and make the permit active at any time before the
41 term of deposit expires, subject to any requirements of the
42 commission.



1 **Sec. 4. (a) A permit reverts to the commission if:**

2 (1) a term of deposit under section 3(a)(1) or 3(a)(2) of this
3 chapter expires without the commission approving an
4 extension of the term; and

5 (2) the permit is not active.

6 (b) A permit reverts to the commission if the term of deposit
7 under section 3(a)(3) of this chapter expires and the permit is not
8 active.

9 (c) A person is not entitled to a refund or compensation of any
10 kind if a permit reverts to the commission under this chapter.

11 (d) In addition to the notice provided under IC 7.1-3-1-3, at least
12 ninety (90) days before the date that a term of deposit expires, the
13 commission shall provide written notice to the permit holder of the
14 date that:

15 (1) the term of deposit expires; and

16 (2) the permit will revert to the commission if:

17 (A) the permit is not active; or

18 (B) an extension of the term of deposit has not been
19 approved by the commission.

20 **Sec. 5. This section sets out the procedure for a permit holder to**
21 **request deposit of a permit or extension of a term of deposit. A**
22 **permit holder must do the following:**

23 (1) Submit the permit holder's request for deposit or an
24 extension of the term of deposit to the commission in writing.

25 A permit holder must submit a request for extension at least
26 sixty (60) days before the term of deposit expires.

27 (2) Appear at a public meeting of the commission and provide
28 to the commission's satisfaction an explanation of the
29 following:

30 (A) The specific reasons why the business for which the
31 permit was issued is not immediately operational.

32 (B) A timetable for making the business operational and
33 the permit active.

34 (C) A detailed statement of the permit holder's efforts to
35 make the business operational and the permit active.

36 (3) The permit holder shall submit to the commission:

37 (A) a business plan that is updated and accurate; and

38 (B) any other documentation of the permit holder's efforts
39 under subdivision (2)(C), including:

40 (i) contracts for construction or renovation of the permit
41 premises;

42 (ii) zoning applications and approvals; and



- 1 (iii) building permits and any other necessary
- 2 government approvals.
- 3 (4) If the commission approves the permit holder's request,
- 4 pay any permit renewal fees that are due.
- 5 (5) If the commission approves a request for a final extension
- 6 of the term of deposit under section 3(a)(3) of this chapter,
- 7 pay:
- 8 (A) a fee in the amount of fifty percent (50%) of the price
- 9 that the permit holder paid the commission or the previous
- 10 permit holder for the permit, not to exceed five thousand
- 11 dollars (\$5,000); and
- 12 (B) the permit renewal fee under subdivision (4).
- 13 **Sec. 6. The commission shall send a notice by mail or electronic**
- 14 **mail to a person of:**
- 15 (1) the commission's approval or denial of a request for
- 16 deposit or extension of a term of deposit; and
- 17 (2) if the permit holder's request is approved:
- 18 (A) the date that the term of deposit expires; and
- 19 (B) any fees that are due and payable by the permit holder.
- 20 **Sec. 7. (a) This section applies to a permit deposited with the**
- 21 **commission that:**
- 22 (1) has never been put into operation by the permit holder;
- 23 and
- 24 (2) is subject to the quota provisions of IC 7.1-3-22.
- 25 (b) The commission may not accept an application for transfer
- 26 of ownership of the permit except upon a showing to the
- 27 satisfaction of the commission of both of the following:
- 28 (1) Exceptional and unusual circumstances that necessitate a
- 29 transfer of ownership of the permit, including bankruptcy or
- 30 death of the permit holder.
- 31 (2) That the permit holder does not intend to speculatively sell
- 32 the permit. Evidence of the permit holder's intent may be
- 33 shown by submitting to the commission documentation
- 34 showing that the proposed sale price for the permit does not
- 35 exceed the amount that the permit holder paid the commission
- 36 or the previous permit holder for the permit.
- 37 **Sec. 8. (a) A permit holder or the permit holder's affiliate may**
- 38 **deposit with the commission only one (1) of each of the following,**
- 39 **for each city, town, or unincorporated area of a county:**
- 40 (1) A beer dealer's permit that is subject to IC 7.1-3-22.
- 41 (2) A wine dealer's permit.
- 42 (3) A liquor dealer's permit that is subject to IC 7.1-3-22.



- 1 **(4) A one -way permit.**
- 2 **(5) A two-way permit.**
- 3 **(6) A three-way permit.**
- 4 **(b) A permit deposited with the commission by:**
- 5 **(1) a permit holder's affiliate shall be considered a deposit of**
- 6 **a permit by the permit holder, and shall operate to prohibit**
- 7 **the permit holder from depositing with the commission the**
- 8 **same type of permit for the same city, town, or**
- 9 **unincorporated area of the county; and**
- 10 **(2) a permit holder shall be considered a deposit by the permit**
- 11 **holder's affiliate, and shall operate to prohibit the permit**
- 12 **holder's affiliate from depositing with the commission the**
- 13 **same type of permit for the same city, town, or**
- 14 **unincorporated area of the county.**
- 15 **(c) In addition to any other information required, a request for**
- 16 **deposit of a permit or an extension of a term of deposit must be**
- 17 **accompanied by:**
- 18 **(1) a list of the permit holder's affiliates, including the**
- 19 **affiliate's name and relationship to the permit holder**
- 20 **submitting the request; and**
- 21 **(2) an affidavit stating that, to the best of the permit holder's**
- 22 **knowledge, an affiliate of the permit holder does not, as of the**
- 23 **date of the request, have a permit deposited with the**
- 24 **commission:**
- 25 **(A) of the same type; and**
- 26 **(B) issued for the same city, town, or unincorporated area**
- 27 **of the county.**
- 28 **(d) If any change occurs in the information provided to the**
- 29 **commission under subsection (c), the permit holder must notify the**
- 30 **commission of the change not later than ten (10) days after the**
- 31 **change occurs.**
- 32 **(e) If a permit holder has two (2) or more permits on deposit**
- 33 **with the commission on June 30, 2019, that are of the same type**
- 34 **and issued for the same city, town, or unincorporated area of the**
- 35 **county, the commission may only approve an extension of the term**
- 36 **of deposit of one (1) of the permits after June 30, 2019.**
- 37 **SECTION 17. IC 7.1-3-1.5-1, AS ADDED BY P.L.161-2005,**
- 38 **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 39 **JULY 1, 2019]: Sec. 1. As used in this chapter, "alcohol server" means**
- 40 **the following:**
- 41 **(1) A person who works on the licensed premises of a retailer**
- 42 **permittee as a:**



- 1 (A) manager;
- 2 (B) bartender; or
- 3 (C) waiter or a waitress.
- 4 (2) A person who works on the licensed premises of a dealer
- 5 permittee as a:
- 6 (A) manager; or
- 7 (B) sales clerk.
- 8 **(3) A person who is the proprietor of the licensed premises of**
- 9 **a salon under IC 7.1-3-28 or an employee on the licensed**
- 10 **premises that serves wine or beer.**
- 11 **(4) A person who is the proprietor of or is employed by an art**
- 12 **instruction studio under IC 7.1-5-8-4.6 that serves wine**
- 13 **brought into the studio by patrons.**
- 14 SECTION 18. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005,
- 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2019]: Sec. 2. As used in this chapter, "dealer permittee"
- 17 means a person who holds a ~~liquor dealer permit under IC 7.1-3-10~~ **a**
- 18 **dealer's permit** for a package liquor store **(before July 1, 2021) or a**
- 19 **package liquor store, grocery store, or drug store (after June 30,**
- 20 **2021).**
- 21 SECTION 19. IC 7.1-3-2-7, AS AMENDED BY P.L.270-2017,
- 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2019]: Sec. 7. The holder of a brewer's permit or an
- 24 out-of-state brewer holding either a primary source of supply permit or
- 25 an out-of-state brewer's permit may do the following:
- 26 (1) Manufacture beer.
- 27 (2) Place beer in containers or bottles.
- 28 (3) Transport beer.
- 29 (4) Sell and deliver beer to a person holding a beer wholesaler's
- 30 permit issued under IC 7.1-3-3.
- 31 (5) If the brewer manufactures, at all of the brewer's breweries
- 32 located in Indiana, an aggregate of not more than ninety thousand
- 33 (90,000) barrels of beer in a calendar year for sale or distribution
- 34 within Indiana, the permit holder may do the following:
- 35 (A) Sell and deliver a total of not more than thirty thousand
- 36 (30,000) barrels of beer in a calendar year to a person holding
- 37 a retailer or a dealer permit under this title. The total number
- 38 of barrels of beer that the permit holder may sell and deliver
- 39 under this clause in a calendar year may not exceed thirty
- 40 thousand (30,000) barrels of beer.
- 41 (B) Be the proprietor of a restaurant.
- 42 (C) Hold a beer retailer's permit, a wine retailer's permit, or a



- 1 liquor retailer's permit for a restaurant established under clause
 2 (B).
 3 **(D) Sell wine, solely under the authority of the brewer's**
 4 **permit:**
 5 **(i) that has been purchased from the holder of a wine**
 6 **wholesaler's permit; and**
 7 **(ii) by the glass for consumption on the premises only.**
 8 **A permit holder may not sell wine for carryout unless the**
 9 **holder also has a wine retailer's permit with carryout**
 10 **privileges.**
 11 ~~(D)~~ **(E)** Transfer beer directly from the brewery to the
 12 restaurant by means of:
 13 (i) bulk containers; or
 14 (ii) a continuous flow system.
 15 ~~(E)~~ **(F)** Install a window between the brewery and an adjacent
 16 restaurant that allows the public and the permittee to view both
 17 premises.
 18 ~~(F)~~ **(G)** Install a doorway or other opening between the
 19 brewery and an adjacent restaurant that provides the public
 20 and the permittee with access to both premises.
 21 ~~(G)~~ **(H)** Sell the brewery's beer by the glass for consumption
 22 on the premises. Brewers permitted to sell beer **and wine** by
 23 the glass under this clause **and clause (D)** must make food
 24 available for consumption on the premises. A brewer may
 25 comply with the requirements of this clause by doing any of
 26 the following:
 27 (i) Allowing a vehicle of transportation that is a food
 28 establishment (as defined in IC 16-18-2-137) to serve food
 29 near the brewer's licensed premises.
 30 (ii) Placing menus in the brewer's premises of restaurants
 31 that will deliver food to the brewery.
 32 (iii) Providing food prepared at the brewery.
 33 ~~(H)~~ **(I)** Sell and deliver beer to a consumer at the permit
 34 premises of the brewer or at the residence of the consumer.
 35 The delivery to a consumer may be made only in a quantity at
 36 any one (1) time of not more than one-half (1/2) barrel, but the
 37 beer may be contained in bottles or other permissible
 38 containers.
 39 ~~(I)~~ **(J)** Sell the brewery's beer as authorized by this section for
 40 carryout on Sunday in a quantity at any one (1) time of not
 41 more than five hundred seventy-six (576) ounces. A brewer's
 42 beer may be sold under this clause at any address for which the



- 1 brewer holds a brewer's permit issued under this chapter if the
 2 address is located within the same city boundaries in which the
 3 beer was manufactured.
- 4 ~~(J)~~ **(K)** With the approval of the commission, participate:
 5 (i) individually; or
 6 (ii) with other permit holders under this chapter, holders of
 7 artisan distiller's permits, holders of farm winery permits, or
 8 any combination of holders described in this item;
 9 in a trade show or an exposition at which products of each
 10 permit holder participant are displayed, promoted, and sold.
 11 All of the permit holders may occupy the same tent, structure,
 12 or building. The commission may not grant to a holder of a
 13 permit under this chapter approval under this clause to
 14 participate in a trade show or exposition for more than
 15 forty-five (45) days in a calendar year.
- 16 ~~(K)~~ **(L)** Store or condition beer in a secure building that is:
 17 (i) separate from the brewery; and
 18 (ii) owned or leased by the permit holder.
- 19 A brewer may not sell or transfer beer directly to a permittee
 20 or consumer from a building described in this clause.
- 21 **(M) Sell the brewery's beer to the holder of a supplemental**
 22 **caterer's permit issued under IC 7.1-3-9.5 for on-premises**
 23 **consumption only at an event that is held outdoors on**
 24 **property that is contiguous to the brewery as approved by**
 25 **the commission.**
- 26 (6) If the brewer's brewery manufactures more than ninety
 27 thousand (90,000) barrels of beer in a calendar year for sale or
 28 distribution within Indiana, the permit holder may own a portion
 29 of the corporate stock of another brewery that:
 30 (A) is located in the same county as the brewer's brewery;
 31 (B) manufactures less than ninety thousand (90,000) barrels of
 32 beer in a calendar year; and
 33 (C) is the proprietor of a restaurant that operates under
 34 subdivision (5).
- 35 (7) Provide complimentary samples of beer that are:
 36 (A) produced by the brewer; and
 37 (B) offered to consumers for consumption on the brewer's
 38 premises.
- 39 (8) Own a portion of the corporate stock of a sports corporation
 40 that:
 41 (A) manages a minor league baseball stadium located in the
 42 same county as the brewer's brewery; and



- 1 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 2 liquor retailer's permit for a restaurant located in that stadium.
 3 (9) For beer described in IC 7.1-1-2-3(a)(4):
 4 (A) may allow transportation to and consumption of the beer
 5 on the licensed premises; and
 6 (B) may not sell, offer to sell, or allow sale of the beer on the
 7 licensed premises.
- 8 SECTION 20. IC 7.1-3-2-7.5, AS ADDED BY P.L.97-2015,
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 7.5. (a) This section applies ~~only if the permit~~
 11 ~~premises of if:~~
 12 **(1) a person having an interest in a brewer's permit under**
 13 **section 7(5) of this chapter also has an interest in** ~~(1)~~ a farm
 14 winery **or an artisan distillery;** and
 15 ~~(2) a brewery under section 7(5) of this chapter;~~
 16 **(2) the brewery production facility and the farm winery or**
 17 **artisan distillery production facility** occupy the same building.
 18 (b) Notwithstanding any other provision, a person ~~who holds a farm~~
 19 ~~winery permit and a brewery permit to which this section applies~~ may
 20 sell by the glass for consumption on the premises ~~(1) the farm winery's~~
 21 ~~wine; and (2) the brewery's beer; from the same service bar, without a~~
 22 ~~partition, wall, or any other structure separating the service of wine and~~
 23 ~~the service of beer: all alcoholic beverages:~~
 24 **(1) manufactured by the two (2) production facilities; and**
 25 **(2) from a single bar.**
 26 **The commission may not require any physical separation at the**
 27 **bar between the service of alcoholic beverages manufactured by**
 28 **one (1) production facility and the service of alcoholic beverages**
 29 **manufactured by the other production facility.**
 30 **(c) This section does not exempt a permit holder from**
 31 **complying with permit restrictions that affect the sales and service**
 32 **of any of the alcoholic beverages manufactured by the production**
 33 **facilities.**
- 34 SECTION 21. IC 7.1-3-3-5, AS AMENDED BY P.L.153-2015,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 5. (a) The holder of a beer wholesaler's permit
 37 may purchase and import from the primary source of supply, possess,
 38 and sell at wholesale, beer and flavored malt beverages manufactured
 39 within or without this state.
 40 (b) A beer wholesaler permittee may possess, transport, sell, and
 41 deliver beer to:
 42 (1) another beer wholesaler authorized by the brewer to sell the



- 1 brand purchased;
- 2 (2) an employee;
- 3 (3) a holder of a beer retailer's permit, beer dealer's permit,
- 4 temporary beer permit, dining car permit, boat permit, airplane
- 5 permit, or supplemental caterer's permit; ~~and~~
- 6 **(4) a holder of a farm winery permit under IC 7.1-3-12; and**
- 7 ~~(5)~~ **(5)** a qualified organization for:
- 8 (A) an allowable event to which IC 7.1-3-6.1 applies; or
- 9 (B) a charity auction to which IC 7.1-3-6.2 applies;
- 10 located within this state. The sale, donation to a qualified organization,
- 11 transportation, and delivery of beer shall be made only from inventory
- 12 that has been located on the wholesaler's premises before the time of
- 13 invoicing and delivery.
- 14 (c) The beer wholesaler's bona fide regular employees may purchase
- 15 beer from the wholesaler in:
- 16 (1) bottles, cans, or any other type of permissible containers in an
- 17 amount not to exceed forty-eight (48) pints; or
- 18 (2) one (1) keg;
- 19 at any one (1) time.
- 20 (d) The importation, transportation, possession, sale, and delivery
- 21 of beer shall be subject to the rules of the commission and subject to
- 22 the same restrictions provided in this title for a person holding a
- 23 brewer's permit.
- 24 (e) The holder of a beer wholesaler's permit may purchase, import,
- 25 possess, transport, sell, and deliver any commodity listed in
- 26 IC 7.1-3-10-5, unless prohibited by this title. However, a beer
- 27 wholesaler may deliver flavored malt beverages only to the holder of
- 28 one (1) of the following permits:
- 29 (1) A beer wholesaler or wine wholesaler permit, if the wholesaler
- 30 is authorized by the primary source of supply to sell the brand of
- 31 flavored malt beverage purchased.
- 32 (2) A wine retailer's permit, wine dealer's permit, temporary wine
- 33 permit, dining car wine permit, boat permit, airplane permit, **a**
- 34 **permit listed in subsection (b)(4)**, or supplemental caterer's
- 35 permit.
- 36 (f) A beer wholesaler may:
- 37 (1) store beer for an out-of-state brewer described in IC 7.1-3-2-9
- 38 and deliver the stored beer to another beer wholesaler that the
- 39 out-of-state brewer authorizes to sell the beer;
- 40 (2) perform all necessary accounting and auditing functions
- 41 associated with the services described in subdivision (1); and
- 42 (3) receive a fee from an out-of-state brewer for the services



1 described in subdivisions (1) through (2).

2 SECTION 22. IC 7.1-3-4-2, AS AMENDED BY P.L.158-2013,
3 SECTION 123, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The commission shall not
5 issue a beer retailer's permit, except as otherwise authorized in this title
6 and subject to the other restrictions contained in this title, to the
7 following persons:

8 (1) An alien.

9 (2) A person who ~~(A)~~ is not of good moral character and of good
10 repute in the community in which the person resides. ~~or (B)~~

11 **(3) A person who** has been convicted within ten (10) years before
12 the date of application of:

13 ~~(i)~~ **(A)** a federal crime having a sentence of at least one (1)
14 year;

15 ~~(ii)~~ **(B)** an Indiana Class A, Class B, or Class C felony (for a
16 crime committed before July 1, 2014) or a Level 1, Level 2,
17 Level 3, Level 4, or Level 5 felony (for a crime committed
18 after June 30, 2014); or

19 ~~(iii)~~ **(C)** a crime in a state other than Indiana having a penalty
20 equal to the penalty for an Indiana Class A, Class B, or Class
21 C felony (for a crime committed before July 1, 2014) or a
22 Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a
23 crime committed after June 30, 2014).

24 ~~(3)~~ **(4)** A person who does not own the premises to which the
25 permit will be applicable, or who does not have a bona fide lease
26 on the premises for the full period for which the permit is to be
27 issued.

28 ~~(4)~~ **(5)** A law enforcement officer or an officer who is not an
29 elected officer of a municipal corporation, or governmental
30 subdivision, or of ~~this state~~, **Indiana**, charged with any duty or
31 function in the enforcement of this title.

32 ~~(5)~~ **(6)** An officer or employee of a person engaged in the
33 alcoholic beverage traffic, which person is a nonresident of ~~this~~
34 ~~state~~, **Indiana**, or is engaged in carrying on any phase of the
35 manufacture of, traffic in, or transportation of alcoholic beverages
36 without a permit under this title when a permit is required by this
37 title.

38 ~~(6)~~ **(7)** If the permit applicant does not hold a brewer's permit, a
39 person who leases from a person, or an officer or agent of that
40 person, who holds a brewer's permit or a beer wholesaler's permit.

41 ~~(7)~~ **(8)** If the permit applicant does not hold a brewer's permit, a
42 person who is indebted to a person who holds a brewer's permit



1 or a beer wholesaler's permit, or an officer or agent of that person,
 2 for a debt secured by a lien, mortgage, or otherwise, upon the
 3 premises for which the beer retailer's permit is to be applicable,
 4 or upon any of the property or fixtures on the premises, or used,
 5 or to be used in connection with the premises.

6 ~~(8)~~ **(9)** A person whose place of business is conducted by a
 7 manager or agent, unless the manager or agent possesses the same
 8 qualifications required for the issuance of a beer retailer's permit
 9 to the person.

10 ~~(9)~~ **(10)** A minor.

11 ~~(10)~~ **(11)** A person non compos mentis.

12 ~~(11)~~ **(12)** A person who has held a permit under this title and who
 13 has had that permit revoked within one (1) year prior to the date
 14 of application for a beer retailer's permit.

15 ~~(12)~~ **(13)** A person who has made an application for a permit of
 16 any type which has been denied less than one (1) year prior to the
 17 person's application for a beer retailer's permit unless the first
 18 application was denied by reason of a procedural or technical
 19 defect.

20 ~~(13)~~ **(14)** A person who is not the proprietor of a restaurant
 21 located and being operated on the premises described in the
 22 application for the beer retailer's permit, or of a hotel, or of a club,
 23 owning, or leasing the premises as a part of it. The
 24 disqualification contained in this subdivision shall not apply to
 25 the qualifications for or affect the privileges to be accorded under
 26 a beer dealer's permit or a dining car beer permit.

27 (b) Subsection ~~(a)(9)~~ **(a)(10)** does not prevent a minor from being
 28 a stockholder in a corporation.

29 SECTION 23. IC 7.1-3-5-2, AS AMENDED BY P.L.214-2016,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2019]: Sec. 2. (a) As used in this section, "proprietor of a
 32 package liquor store" means the person that:

33 (1) holds the financial investment in; and

34 (2) exercises the financial and operational oversight of;
 35 a package liquor store.

36 (b) The commission may issue a beer dealer's permit only to an
 37 applicant who is the proprietor of a drug store, grocery store, or
 38 package liquor store.

39 (c) Subject to subsection (d), the commission may issue a beer
 40 dealer's permit to an applicant that is a foreign corporation if:

41 (1) the applicant is duly admitted to do business in Indiana;

42 (2) the sale of beer is within the applicant's corporate powers; and



- 1 (3) the applicant is otherwise qualified under this title.
- 2 (d) Except as provided under IC 7.1-3-21-5.6, the commission may
3 issue a beer dealer's permit under subsection (c) for the premises of a
4 package liquor store only if the proprietor of the package liquor store
5 satisfies the Indiana resident ownership requirements described in
6 IC 7.1-3-21-5(b), IC 7.1-3-21-5.2(b), or IC 7.1-3-21-5.4(b).
- 7 (e) The commission shall not issue a beer dealer's permit to a person
8 who is disqualified under the special disqualifications. However, the
9 special disqualification listed in ~~IC 7.1-3-4-2(a)(13)~~
10 **IC 7.1-3-4-2(a)(14)** shall not apply to an applicant for a beer dealer's
11 permit.
- 12 (f) Notwithstanding subsection (b), the commission may renew a
13 beer dealer's permit for an applicant who:
- 14 (1) held a permit before July 1, 1997; and
15 (2) is the proprietor of a confectionery or a store that:
16 (A) is not a drug store, grocery store, or package liquor store;
17 (B) is in good repute; and
18 (C) in the judgment of the commission, deals in merchandise
19 that is not incompatible with the sale of beer.
- 20 SECTION 24. IC 7.1-3-6-2, AS AMENDED BY P.L.214-2016,
21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2019]: Sec. 2. The commission may issue a temporary beer
23 permit to a person who is qualified to hold a beer retailer's permit and
24 who has such other qualifications as the commission may prescribe by
25 a provisional order until it adopts a rule or regulation on the matter.
26 However, the special disqualifications listed in ~~IC 7.1-3-4-2(a)(3)~~;
27 ~~IC 7.1-3-4-2(a)(8)~~, and ~~IC 7.1-3-4-2(a)(13)~~; **IC 7.1-3-4-2(a)(4)**,
28 **IC 7.1-3-4-2(a)(9)**, and **IC 7.1-3-4-2(a)(14)**, and the residency
29 requirements provided in IC 7.1-3-21-3, shall not apply to an applicant
30 for a temporary beer permit.
- 31 SECTION 25. IC 7.1-3-9.5-3, AS AMENDED BY P.L.85-2017,
32 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2019]: Sec. 3. The holder of a supplemental caterer's permit
34 is entitled to purchase alcoholic beverages only from:
35 **(1) a brewery as described in IC 7.1-3-2-7(5)(M);**
36 **(2) a farm winery as described in IC 7.1-3-12-5(a)(13); and**
37 **(3) any other** a permittee entitled to sell to the holder under this
38 title.
- 39 Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a
40 supplemental caterer's permit is entitled to sell alcoholic beverages
41 only for on-premises consumption at those locations approved by the
42 commission and at times lawful under the holder's retailers' permits.



1 Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a
 2 supplemental caterer's permit is not entitled to sell alcoholic beverages
 3 at wholesale, nor for carry-out or at-home delivery.

4 SECTION 26. IC 7.1-3-10-2, AS AMENDED BY P.L.86-2018,
 5 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: Sec. 2. The commission may issue a
 7 liquor dealer's permit to the proprietor of a drug store who holds a
 8 license issued by the state board of pharmacy. An applicant for a liquor
 9 dealer's permit for a drug store shall not be disqualified under
 10 ~~IC 7.1-3-4-2(a)(13)~~. **IC 7.1-3-4-2(a)(14)**.

11 SECTION 27. IC 7.1-3-10-4, AS AMENDED BY P.L.86-2018,
 12 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2019]: Sec. 4. The commission may issue a
 14 liquor dealer's permit to the proprietor of a package liquor store. An
 15 applicant for a liquor dealer's permit for a package liquor store shall not
 16 be disqualified under ~~IC 7.1-3-4-2(a)(13)~~. **IC 7.1-3-4-2(a)(14)**.

17 SECTION 28. IC 7.1-3-12-5, AS AMENDED BY P.L.270-2017,
 18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 5. (a) The holder of a farm winery permit:

20 (1) is entitled to manufacture wine and to bottle wine produced by
 21 the permit holder's farm winery;

22 (2) is entitled to serve complimentary samples of the winery's
 23 wine on the licensed premises or an outside area that is
 24 contiguous to the licensed premises, as approved by the
 25 commission if each employee who serves wine on the licensed
 26 premises:

27 (A) holds an employee's permit under IC 7.1-3-18-9; and

28 (B) completes a server training program approved by the
 29 commission;

30 (3) is entitled to sell the winery's wine on the licensed premises to
 31 consumers either by the glass, or by the bottle, or both;

32 **(4) is entitled to sell beer purchased from a wholesaler by the
 33 glass for consumption on the premises only, solely under the
 34 authority of the farm winery permit;**

35 ~~(4)~~ **(5)** is entitled to sell the winery's wine to consumers by the
 36 bottle at a farmers' market that is operated on a nonprofit basis;

37 ~~(5)~~ **(6)** is entitled to sell wine by the bottle or by the case to a
 38 person who is the holder of a permit to sell wine at wholesale;

39 ~~(6)~~ **(7)** is exempt from the provisions of IC 7.1-3-14;

40 ~~(7)~~ **(8)** is entitled to advertise the name and address of any retailer
 41 or dealer who sells wine produced by the permit holder's winery;

42 ~~(8)~~ **(9)** for wine described in IC 7.1-1-2-3(a)(4);



- 1 (A) may allow transportation to and consumption of the wine
 2 on the licensed premises; and
 3 (B) may not sell, offer to sell, or allow the sale of the wine on
 4 the licensed premises;
 5 ~~(9)~~ **(10)** is entitled to purchase and sell bulk wine as set forth in
 6 this chapter;
 7 ~~(10)~~ **(11)** is entitled to sell wine as authorized by this section for
 8 carryout on Sunday; ~~and~~
 9 ~~(11)~~ **(12)** is entitled to sell and ship the farm winery's wine to a
 10 person located in another state in accordance with the laws of the
 11 other state; **and**
 12 **(13) is entitled to sell the farm winery's wine to the holder of**
 13 **a supplemental caterer's permit issued under IC 7.1-3-9.5 for**
 14 **on-premises consumption only at an event that is held**
 15 **outdoors on property that is contiguous to the farm winery as**
 16 **approved by the commission.**
- 17 (b) With the approval of the commission, a holder of a permit under
 18 this chapter may conduct business at not more than three (3) additional
 19 locations that are separate from the winery. At the additional locations,
 20 the holder of a permit may conduct any business that is authorized at
 21 the first location, except for the manufacturing or bottling of wine.
- 22 (c) With the approval of the commission, a holder of a permit under
 23 this chapter may:
 24 (1) individually; or
 25 (2) with other permit holders under this chapter, holders of artisan
 26 distiller's permits, holders of brewer's permits issued under
 27 IC 7.1-3-2-2(b), or any combination of holders described in this
 28 subdivision;
 29 participate in a trade show or an exposition at which products of each
 30 permit holder participant are displayed, promoted, and sold. All of the
 31 permit holders may occupy the same tent, structure, or building. The
 32 commission may not grant approval under this subsection to a holder
 33 of a permit under this chapter for more than forty-five (45) days in a
 34 calendar year.
- 35 **(d) The holder of a farm winery permit that sells beer by the**
 36 **glass for consumption on the premises under subsection (a)(4) must**
 37 **make food available for consumption on the premises by:**
 38 **(1) allowing a vehicle of transportation that is a food**
 39 **establishment (as defined in IC 16-18-2-137) to serve food**
 40 **near the farm winery's licensed premises;**
 41 **(2) placing menus in the farm winery's premises of**
 42 **restaurants that will deliver food to the farm winery; or**



(3) providing food prepared at the farm winery.

SECTION 29. IC 7.1-3-12-7.5, AS ADDED BY P.L.97-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.5. (a) This section applies if: ~~the permit premises of any combination of the following:~~

- (1) a person having an interest in a farm winery permit also has an interest in a (1) a farm winery; (2) a brewery brewer's permit under IC 7.1-3-2-7(5) and or (3) an artisan distillery; and (2) the farm winery and the brewery or artisan distillery production facility occupy the same building.**

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

- (1) manufactured by the two (2) production facilities; and (2) from a bar.**

The commission may not require any physical separation at the bar between the service of alcoholic beverages manufactured by one (1) production facility and the service of alcoholic beverages manufactured by the other production facility.

(c) ~~Except as provided in this chapter, the restrictions and provisions of a permittee's permit governing the sale or service of the alcoholic beverage that is the subject of the permit apply to the sale and service of the alcoholic beverage under this chapter. This section does not exempt a person to whom this section applies from complying with permit restrictions affecting the sales and service of each of the alcoholic beverages manufactured by the production facilities.~~

SECTION 30. IC 7.1-3-13-3, AS AMENDED BY P.L.153-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The holder of a wine wholesaler's permit may purchase, import, and transport wine, brandy, or flavored malt beverage from the primary source of supply. A wine wholesaler may export and transport wine, brandy, or flavored malt beverage by the bottle, barrel, cask, or other container, to points outside Indiana. A wine wholesaler is entitled to sell, furnish, and deliver wine or flavored malt beverage from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery to:

- (1) a wine wholesaler;**



- 1 (2) a wine retailer;
 2 (3) a supplemental caterer;
 3 (4) a temporary wine permittee; **and**
 4 (5) a wine dealer; **and**
 5 (6) **a brewer under IC 7.1-3-2-7(5);**
 6 but not at retail. A wine wholesaler may sell, furnish, and deliver
 7 brandy from inventory that has been located on the wholesaler's
 8 premises before the time of invoicing and delivery, but not at retail,
 9 only to a person who holds a liquor retailer's permit, a supplemental
 10 caterer's permit, or a liquor dealer's permit. A holder of a wine
 11 wholesaler's permit may sell wine to the wine wholesaler's bona fide
 12 regular employees. A wine wholesaler may sell, donate, and deliver
 13 wine or flavored malt beverage from inventory that has been located on
 14 the wholesaler's premises before the time of invoicing and delivery to
 15 a qualified organization that is conducting an allowable event to which
 16 IC 7.1-3-6.1 applies or a charity auction to which IC 7.1-3-6.2 applies.
 17 (b) As used in this section, "brandy" means:
 18 (1) any alcoholic distillate described in 27 CFR 5.22(d) as in
 19 effect on January 1, 1983; or
 20 (2) a beverage product that:
 21 (A) is prepared from a liquid described in subdivision (1);
 22 (B) is classified as a cordial or liqueur as defined in 27 CFR
 23 5.22(h) as in effect on January 1, 1997; and
 24 (C) meets the following requirements:
 25 (i) At least sixty-six and two-thirds percent (66 2/3%) of the
 26 product's alcohol content is composed of a substance
 27 described in subdivision (1).
 28 (ii) The product's label makes no reference to any distilled
 29 spirit other than brandy.
 30 (iii) The product's alcohol content is not less than sixteen
 31 percent (16%) by volume or thirty-two (32) degrees proof.
 32 (iv) The product contains dairy cream.
 33 (v) The product's sugar, dextrose, or levulose content is at
 34 least twenty percent (20%) of the product's weight.
 35 (vi) The product contains caramel coloring.
 36 (c) Nothing in this section allows a wine wholesaler to sell, give,
 37 purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless
 38 the wine wholesaler also holds a beer wholesaler's permit under
 39 IC 7.1-3-3-1.
 40 (d) A wine wholesaler that also holds a liquor wholesaler's permit
 41 under IC 7.1-3-8 may not:
 42 (1) hold a beer wholesaler's permit under IC 7.1-3-3;



1 (2) possess, sell, or transport beer; or

2 (3) sell more than one million (1,000,000) gallons of flavored
3 malt beverage during a calendar year.

4 SECTION 31. IC 7.1-3-16-6, AS AMENDED BY P.L.214-2016,
5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2019]: Sec. 6. The commission may issue a temporary wine
7 permit to a person who is qualified to hold a beer retailer's permit and
8 who has such other qualifications as the commission may prescribe by
9 a provisional order until it adopts a rule or regulation on the matter.
10 However, the special disqualifications listed in ~~IC 7.1-3-4-2(a)(3);~~
11 ~~IC 7.1-3-4-2(a)(8);~~ and ~~IC 7.1-3-4-2(a)(13);~~ **IC 7.1-3-4-2(a)(4),**
12 **IC 7.1-3-4-2(a)(9), and IC 7.1-3-4-2(a)(14)** and the residency
13 requirements provided in IC 7.1-3-21-3, shall not apply to an applicant
14 for a temporary wine permit.

15 SECTION 32. IC 7.1-3-18-7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. ~~Salepersons' Permits:~~
17 ~~Application and Issuance.~~ **(a)** The commission may issue a salesman's
18 permit to a person who desires to act as a salesman. The applicant shall
19 state in the application the county or counties within Indiana within
20 which the applicant desires to act as a salesman. The application and
21 the permit issued by the commission shall set forth the name and
22 address of the person whom the salesman represents. The application
23 and permit also shall state if the salesman is acting for himself **or**
24 **himself** as principal. The application also shall include reasonable rules
25 as the commission may prescribe from time to time.

26 **(b) The commission may not issue a salesman's permit to a**
27 **person who has been convicted within ten (10) years prior to the**
28 **date of application of an offense listed in IC 7.1-3-4-2(a)(3).**

29 SECTION 33. IC 7.1-3-18-9, AS AMENDED BY P.L.196-2015,
30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2019]: Sec. 9. (a) The commission may issue an employee's
32 permit to a person who desires to act as:

33 (1) a clerk in a package liquor store;

34 (2) an employee who serves wine **or beer** at a farm winery; ~~or~~

35 (3) a bartender, waiter, waitress, or manager in a retail
36 establishment, excepting dining car and boat employees;

37 **(4) an employee who serves wine or beer on the licensed**
38 **premises of a salon; or**

39 **(5) an employee or proprietor who serves wine or beer that is**
40 **brought by patrons into an art instruction studio.**

41 **This subsection expires July 1, 2021.**

42 **(b) This subsection is effective after June 30, 2021. The**



1 **commission may issue an employee's permit to a person who**
 2 **desires to act as any of the following:**

- 3 **(1) A sales clerk in a package liquor store.**
 4 **(2) A sales clerk who makes or assists in making alcoholic**
 5 **beverage sales in a grocery store or drug store as described in**
 6 **subsection (d).**
 7 **(3) An employee who serves wine or beer at a farm winery.**
 8 **(4) A bartender, waiter, waitress, or manager in a retail**
 9 **establishment, excepting dining car and boat employees.**
 10 **(5) Notwithstanding subsection (f), any person, including a**
 11 **proprietor or employee who serves wine or beer on the**
 12 **licensed premises of a salon.**
 13 **(6) Notwithstanding subsection (f), any person, including a**
 14 **proprietor or employee who serves wine or beer that is**
 15 **brought by patrons into an art instruction studio.**

16 ~~(b)~~ **(c) A permit authorized by this section is conditioned upon the**
 17 **compliance by the holder with reasonable rules relating to the permit**
 18 **which the commission may prescribe from time to time. The**
 19 **commission may not issue an employee's permit to a person unless**
 20 **the person has successfully completed a server program or trainer**
 21 **program under IC 7.1-3-1.5.**

22 ~~(e)~~ **(d) A permit issued under this section entitles its holder to work**
 23 **for any lawful employer. However, a person may work without an**
 24 **employee's permit for not more than thirty (30) days from after the**
 25 **date shown on a receipt for a cashier's check or money order payable**
 26 **to the commission for that person's employee's permit application.**
 27 **After June 30, 2021, this subsection does not authorize a sales clerk**
 28 **at a dealer establishment to check out or assist in checking out a**
 29 **sale of alcoholic beverages as described in subsection (e) without**
 30 **meeting the requirements of subsection (e).**

31 **(e) This subsection is effective after June 30, 2021. A person who**
 32 **is a sales clerk in a dealer establishment may not:**

- 33 **(1) check out a sale of alcoholic beverages; or**
 34 **(2) assist a customer in checking out a sale of alcoholic**
 35 **beverages at a self-automated checkout stand;**

36 **in the course of the person's employment, unless the sales clerk is**
 37 **at least twenty-one (21) years of age and has successfully completed**
 38 **a server program or trainer program under IC 7.1-3-1.5.**

39 ~~(d)~~ **(f) A person who, for a package liquor store dealer**
 40 **establishment or retail establishment, is:**

- 41 **(1) the sole proprietor;**
 42 **(2) a partner, a general partner, or a limited partner in a**



1 partnership or limited partnership that owns the business
2 establishment;

3 (3) a member of a limited liability company that owns the
4 business establishment; or

5 (4) a stockholder in a corporation that owns the business
6 establishment;

7 is not required to obtain an employee's permit, **but must be at least**
8 **twenty-one (21) years of age** in order to perform any of the acts listed
9 in subsection (a) **(before July 1, 2021) or subsection (b) (after June**
10 **30, 2021).**

11 ~~(e)~~ **(g)** An applicant may declare on the application form that the
12 applicant will use the employee's permit only to perform volunteer
13 service that benefits a nonprofit organization. It is unlawful for an
14 applicant who makes a declaration under this subsection to use an
15 employee's permit for any purpose other than to perform volunteer
16 service that benefits a nonprofit organization.

17 ~~(f)~~ **(h)** The commission may not issue an employee's permit to an
18 applicant while the applicant is serving a sentence for a conviction for
19 operating while intoxicated, including any term of probation or parole.

20 ~~(g)~~ **(i)** The commission may not issue an employee's permit to an
21 applicant who has two (2) unrelated convictions for operating while
22 intoxicated if:

23 (1) the first conviction occurred less than ten (10) years before the
24 date of the applicant's application for the permit; and

25 (2) the applicant completed the sentence for the second
26 conviction, including any term of probation or parole, less than
27 two (2) years before the date of the applicant's application for the
28 permit.

29 ~~(h)~~ **(j)** If an applicant for an employee's permit has at least three (3)
30 unrelated convictions for operating while intoxicated in the ten (10)
31 years immediately preceding the date of the applicant's application for
32 the permit, the commission may not grant the issuance of the permit.
33 If, in the ten (10) years immediately preceding the date of the
34 applicant's application the applicant has:

35 (1) one (1) conviction for operating while intoxicated, and the
36 applicant is not subject to subsection ~~(f)~~; **(h)**; or

37 (2) two (2) unrelated convictions for operating while intoxicated,
38 and the applicant is not subject to subsection ~~(f)~~ **or** ~~(g)~~; **(h) or (i)**;

39 the commission may grant or deny the issuance of a permit.

40 ~~(i)~~ **(k)** Except as provided under section 9.5 of this chapter, the
41 commission shall revoke a permit issued to an employee under this
42 section if:



1 (1) the employee is convicted of a Class B misdemeanor for
2 violating IC 7.1-5-10-15(a); or

3 (2) the employee is convicted of operating while intoxicated after
4 the issuance of the permit.

5 The commission may revoke a permit issued to an employee under this
6 section for any violation of this title or the rules adopted by the
7 commission.

8 SECTION 34. IC 7.1-3-19-17, AS AMENDED BY P.L.214-2016,
9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2019]: Sec. 17. (a) This section applies to a permit issued
11 under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k),
12 IC 7.1-3-20-16(l), ~~or~~ IC 7.1-3-20-16.8, **or IC 7.1-3-20-16.9**, if a
13 municipal legislative body has adopted an ordinance requiring a formal
14 written commitment as a condition of eligibility for a permit, as
15 described in subsection (b).

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

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

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

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

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

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

37 (2) revoke the permit holder's permit.

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



- 1 (1) deny the application to renew the permit; or
 2 (2) revoke the permit;
 3 as applicable.

4 SECTION 35. IC 7.1-3-20-0.1, AS ADDED BY P.L.220-2011,
 5 SECTION 173, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: Sec. 0.1. The following amendments to
 7 this chapter apply as follows:

8 (1) The amendments made to sections 18, 20, and 21 of this
 9 chapter by P.L.204-2001 supersede 905 IAC 1-41-2(c), as in
 10 effect on January 1, 2001.

11 (2) The amendments made to section 11.5 of this chapter by
 12 P.L.204-2001 apply only to applications submitted after June 30,
 13 2001. Applicants who submit an application before July 1, 2001,
 14 must comply with section 11.5, as appropriate, as the provision
 15 was effective at the time the application was submitted.

16 ~~(3) The addition of section 16.1 of this chapter by P.L.72-2004~~
 17 ~~applies to an application for a permit received after June 30, 2004.~~

18 SECTION 36. IC 7.1-3-20-9.5, AS AMENDED BY P.L.86-2018,
 19 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2019]: Sec. 9.5. (a) This section applies only to
 21 a retailer's permit for a restaurant.

22 (b) This section does not apply to a retailer's permit that is issued or
 23 transferred to the following:

24 (1) A city market under IC 7.1-3-20-25.

25 (2) A marina under IC 7.1-3-1-25.

26 (3) A state park under IC 7.1-3-17.8.

27 (4) A golf course.

28 (5) A hotel or resort hotel.

29 (6) A social or fraternal club.

30 (7) A restaurant, the proprietor of which is the holder of a
 31 brewer's permit under IC 7.1-3-2-7(5).

32 (c) Except as provided in subsections (d) and (e), after May 14,
 33 2017, a retailer permittee may not sell alcoholic beverages for carryout
 34 unless at least sixty percent (60%) of the retailer permittee's gross retail
 35 income from the sale of alcoholic beverages is derived from the sale of
 36 alcoholic beverages for consumption on the licensed premises.

37 (d) This subsection applies only to a retailer's permit with carryout
 38 privileges that was ~~initially~~: ~~(1) issued to the current permit holder~~
 39 ~~or (2) transferred as to ownership or to the premises location;~~ before
 40 November 1, 2016. Notwithstanding IC 7.1-3-1-1.5, a retailer permittee
 41 may continue to sell carryout after May 14, 2017, and is not required
 42 to comply with the gross retail income requirements. ~~However, if the~~



1 permit is transferred to a new location after May 14, 2017, and the
 2 location is not exempt under subsection (b), the gross retail income
 3 requirements of this section apply to the transferred permit.

4 (e) This subsection applies to a retailer's permit with carryout
 5 privileges that was initially:

6 (1) issued; or

7 (2) transferred to the premises location;

8 after October 31, 2016, and before May 15, 2017. Notwithstanding
 9 IC 7.1-3-1-1.5, a retailer permittee may continue to sell carryout after
 10 May 14, 2017, and is not required to comply with the gross retail
 11 income requirements until the retailer's permit is renewed. A retailer
 12 permittee may be issued a letter of extension, and subsequent renewals
 13 of the extension under IC 7.1-3-1-3.1 but the permit term may not be
 14 extended past April 1, 2018. A retailer permittee may continue to sell
 15 carryout while the extension is in effect. If the permit is transferred as
 16 to ownership or to a location that is not exempt under subsection (b),
 17 the gross retail income requirements of this section apply upon transfer
 18 of the permit.

19 (f) Except for a retailer permittee described in subsection (d), a
 20 retailer permittee that has carryout privileges must apply for renewal
 21 of the carryout privileges when applying for renewal of the retailer's
 22 permit. The retailer permittee must provide the commission with a
 23 financial statement with information that shows the dollar amounts and
 24 percentages of the retailer permittee's gross retail income that is
 25 derived from sales of alcoholic beverages:

26 (1) for consumption on the licensed premises; and

27 (2) for carryout;

28 during the one hundred eighty (180) days preceding the date of the
 29 application for renewal.

30 (g) For subsequent applications for renewal, the commission may
 31 allow a retailer permittee to submit to the commission an affidavit of
 32 compliance that is signed by the permittee, or by a responsible officer
 33 or partner, under the penalties of perjury, that states that the
 34 requirements of subsection (c) continue to be met. If the commission
 35 has reasonable grounds to doubt the truthfulness of an affidavit of
 36 compliance, the commission may require the retailer permittee to
 37 provide audited financial statements.

38 (h) If an applicant for renewal of carryout privileges does not meet
 39 the requirements of subsection (c) and the commission denies the
 40 application, the applicant may apply for a reinstatement of carryout
 41 privileges with the permittee's next application for renewal of the
 42 retailer's permit that is made in accordance with subsection (i).



- 1 (i) An applicant:
 2 (1) for a retailer's permit and carryout privileges that has not
 3 opened for business; or
 4 (2) for carryout privileges that:
 5 (A) is the holder of a retailer's permit for an operating
 6 business; and
 7 (B) has had the previous application for carryout privileges or
 8 renewal of carryout privileges denied by the commission;
 9 must provide the commission with a verified certification stating that
 10 the projected gross retail income from alcoholic beverage sales during
 11 the business's first two (2) years of operations with carryout privileges
 12 will meet the requirements of subsection (c). Not more than one
 13 hundred eighty (180) days after the date the applicant begins or
 14 resumes alcoholic beverage sales with carryout privileges, the applicant
 15 shall provide a financial statement with sufficient information to show
 16 that during the first one hundred twenty (120) days of business
 17 operations with carryout privileges, sixty percent (60%) of the gross
 18 retail income from all alcoholic beverage sales was derived from sales
 19 of alcoholic beverages for consumption on the premises.
 20 (j) The commission may:
 21 (1) require that a financial statement submitted by an applicant
 22 under this chapter be audited by a certified public accountant; and
 23 (2) with the cooperation of the department of state revenue, verify
 24 the information provided by the applicant.
 25 (k) The information provided to the commission under this chapter
 26 regarding gross retail income is confidential information and may not
 27 be disclosed to the public under IC 5-14-3. However, the commission
 28 may disclose the information:
 29 (1) to the department of state revenue to verify the accuracy of the
 30 amount of gross retail income from sales of alcoholic beverages;
 31 and
 32 (2) in any administrative or judicial proceeding to revoke or
 33 suspend the holder's permit as a result of a discrepancy in the
 34 amount of gross retail income from sales of alcoholic beverages
 35 discovered by the department of state revenue.
 36 (l) Notwithstanding IC 6-8.1-7-1 or any other law, in fulfilling its
 37 obligations under this section, the department of state revenue may
 38 provide confidential information to the commission. The commission
 39 shall maintain the confidentiality of information provided by the
 40 department of state revenue under this chapter. However, the
 41 commission may disclose the information in any administrative or
 42 judicial proceeding to revoke or suspend the holder's permit as a result



1 of any information provided by the department of state revenue.

2 (m) If the commission does not grant or renew a retailer permittee's
3 carryout privileges, the denial shall not affect the other rights,
4 privileges, and restrictions of the retailer's permit, including the retailer
5 permittee's ability to sell alcoholic beverages for on-premises
6 consumption.

7 SECTION 37. IC 7.1-3-20-9.6, AS ADDED BY P.L.270-2017,
8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2019]: Sec. 9.6. (a) This section applies only to a restaurant
10 that has a wine retailer's permit, regardless of whether the permittee
11 sells alcoholic beverages for carryout.

12 (b) **Except as provided in subsection (c)**, a restaurant that has a
13 wine retailer's permit may allow a patron to remove one (1) unsealed
14 bottle of wine for consumption off the licensed premises if the
15 following requirements are satisfied:

16 (1) The patron consumed part of the bottle of wine on the
17 restaurant premises with a ~~purchased~~ meal **prepared by the**
18 **restaurant and purchased by the patron.**

19 (2) The permittee:

20 (A) reseals the bottle; and

21 (B) places the resealed bottle of wine in a bag or other
22 container that is secured in such a manner that it is visibly
23 apparent if the bag or other container is subsequently opened
24 or tampered with.

25 (3) The permittee provides to the patron a dated receipt for the
26 resealed bottle of wine and **the** meal.

27 **(c) A permittee does not have to comply with this section if the**
28 **patron is removing one (1) or more unsealed bottles of wine that**
29 **the patron brought into the licensed premises under IC 7.1-5-8-4.5.**

30 ~~(e)~~ **(d)** A person transporting a resealed wine bottle is transporting
31 an open container that is subject to IC 9-30-15-3.

32 SECTION 38. IC 7.1-3-20-16, AS AMENDED BY P.L.214-2016,
33 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2019]: Sec. 16. (a) A permit that is authorized by this section
35 may be issued without regard to the quota provisions of IC 7.1-3-22.

36 (b) The commission may issue a three-way permit to sell alcoholic
37 beverages for on-premises consumption only to an applicant who is the
38 proprietor, as owner or lessee, or both, of a restaurant facility in the
39 passenger terminal complex of a publicly owned airport. A permit
40 issued under this subsection shall not be transferred to a location off
41 the airport premises.

42 (c) Except as provided in section 16.3 of this chapter, the



1 commission may issue a three-way, two-way, or one-way permit to sell
 2 alcoholic beverages for on-premises consumption only to an applicant
 3 who is the proprietor, as owner or lessee, or both, of a restaurant within
 4 a redevelopment project consisting of a building or group of buildings
 5 that:

- 6 (1) was formerly used as part of a union railway station;
 7 (2) has been listed in or is within a district that has been listed in
 8 the federal National Register of Historic Places maintained
 9 pursuant to the National Historic Preservation Act of 1966, as
 10 amended; and
 11 (3) has been redeveloped or renovated, with the redevelopment or
 12 renovation being funded in part with grants from the federal,
 13 state, or local government.

14 A permit issued under this subsection shall not be transferred to a
 15 location outside of the redevelopment project.

16 (d) ~~Subject to section 16.1 of this chapter and except as provided in~~
 17 ~~section 16.3 of this chapter, Before July 1, 2019,~~ the commission may
 18 issue a three-way, two-way, or one-way permit to sell alcoholic
 19 beverages for on-premises consumption only to an applicant who is the
 20 proprietor, as owner or lessee, or both, of a restaurant:

- 21 (1) on land; or
 22 (2) in a historic river vessel;

23 within a municipal riverfront development project funded in part with
 24 state and city money. The ownership of a permit issued under this
 25 subsection and the location for which the permit was issued may not be
 26 transferred. The legislative body of the municipality in which the
 27 municipal riverfront development project is located shall recommend
 28 to the commission sites that are eligible to be permit premises. The
 29 commission shall consider, but is not required to follow, the municipal
 30 legislative body's recommendation in issuing a permit under this
 31 subsection. A permit holder and any lessee or proprietor of the permit
 32 premises are subject to the formal written commitment required under
 33 IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if
 34 business operations cease at the permit premises for more than six (6)
 35 months, the permit shall revert to the commission. The permit holder
 36 is not entitled to any refund or other compensation. **The commission**
 37 **may not issue any new permits under this subsection after June 30,**
 38 **2019. However, the commission may renew a permit issued under**
 39 **this subsection after June 30, 2019, until the permit is revoked,**
 40 **expires, or reverts to the commission.**

41 (e) Except as provided in section 16.3 of this chapter, the
 42 commission may issue a three-way, two-way, or one-way permit to sell



1 alcoholic beverages for on-premises consumption only to an applicant
 2 who is the proprietor, as owner or lessee, or both, of a restaurant within
 3 a renovation project consisting of a building that:

- 4 (1) was formerly used as part of a passenger and freight railway
 5 station; and
 6 (2) was built before 1900.

7 The permit authorized by this subsection may be issued without regard
 8 to the proximity provisions of IC 7.1-3-21-11.

9 (f) Except as provided in section 16.3 of this chapter, the
 10 commission may issue a three-way permit for the sale of alcoholic
 11 beverages for on-premises consumption at a cultural center for the
 12 visual and performing arts to the following:

- 13 (1) A town that:
 14 (A) is located in a county having a population of more than
 15 four hundred thousand (400,000) but less than seven hundred
 16 thousand (700,000); and
 17 (B) has a population of more than twenty thousand (20,000)
 18 but less than twenty-three thousand seven hundred (23,700).
 19 (2) A city that has an indoor theater as described in section 26 of
 20 this chapter.

21 (g) Except as provided in section 16.3 of this chapter, the
 22 commission may issue not more than ten (10) new three-way, two-way,
 23 or one-way permits to sell alcoholic beverages for on-premises
 24 consumption to applicants, each of whom must be the proprietor, as
 25 owner or lessee, or both, of a restaurant located within a district, or not
 26 more than seven hundred (700) feet from a district, that meets the
 27 following requirements:

- 28 (1) The district has been listed in the National Register of Historic
 29 Places maintained under the National Historic Preservation Act
 30 of 1966, as amended.
 31 (2) A county courthouse is located within the district.
 32 (3) A historic opera house listed on the National Register of
 33 Historic Places is located within the district.
 34 (4) A historic jail and sheriff's house listed on the National
 35 Register of Historic Places is located within the district.

36 The legislative body of the municipality in which the district is located
 37 shall recommend to the commission sites that are eligible to be permit
 38 premises. The commission shall consider, but is not required to follow,
 39 the municipal legislative body's recommendation in issuing a permit
 40 under this subsection. An applicant is not eligible for a permit if, less
 41 than two (2) years before the date of the application, the applicant sold
 42 a retailer's permit that was subject to IC 7.1-3-22 and that was for



1 premises located within the district described in this section or within
 2 seven hundred (700) feet of the district. The ownership of a permit
 3 issued under this subsection and the location for which the permit was
 4 issued shall not be transferred. A permit holder and any lessee or
 5 proprietor of the permit premises is subject to the formal written
 6 commitment required under IC 7.1-3-19-17. Notwithstanding
 7 IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if business operations cease at the
 8 permit premises for more than six (6) months, the permit shall revert
 9 to the commission. The permit holder is not entitled to any refund or
 10 other compensation. The total number of active permits issued under
 11 this subsection may not exceed ten (10) at any time. The cost of an
 12 initial permit issued under this subsection is six thousand dollars
 13 (\$6,000).

14 (h) Except as provided in section 16.3 of this chapter, the
 15 commission may issue a three-way permit for the sale of alcoholic
 16 beverages for on-premises consumption to an applicant who will locate
 17 as the proprietor, as owner or lessee, or both, of a restaurant within an
 18 economic development area under IC 36-7-14 in:

19 (1) a town with a population of more than twenty thousand
 20 (20,000); or

21 (2) a city with a population of more than forty-four thousand five
 22 hundred (44,500) but less than forty-five thousand (45,000);

23 located in a county having a population of more than one hundred ten
 24 thousand (110,000) but less than one hundred eleven thousand
 25 (111,000). The commission may issue not more than five (5) licenses
 26 under this section to premises within a municipality described in
 27 subdivision (1) and not more than five (5) licenses to premises within
 28 a municipality described in subdivision (2). The commission shall
 29 conduct an auction of the permits under IC 7.1-3-22-9, except that the
 30 auction may be conducted at any time as determined by the
 31 commission. Notwithstanding any other law, the minimum bid for an
 32 initial license under this subsection is thirty-five thousand dollars
 33 (\$35,000), and the renewal fee for a license under this subsection is one
 34 thousand three hundred fifty dollars (\$1,350). Before the district
 35 expires, a permit issued under this subsection may not be transferred.
 36 After the district expires, a permit issued under this subsection may be
 37 renewed, and the ownership of the permit may be transferred, but the
 38 permit may not be transferred from the permit premises.

39 (i) After June 30, 2006, and except as provided in section 16.3 of
 40 this chapter, the commission may issue not more than five (5) new
 41 three-way, two-way, or one-way permits to sell alcoholic beverages for
 42 on-premises consumption to applicants, each of whom must be the



1 proprietor, as owner or lessee, or both, of a restaurant located within a
2 district, or not more than five hundred (500) feet from a district, that
3 meets all of the following requirements:

4 (1) The district is within an economic development area, an area
5 needing redevelopment, or a redevelopment district as established
6 under IC 36-7-14.

7 (2) A unit of the National Park Service is partially located within
8 the district.

9 (3) An international deep water seaport is located within the
10 district.

11 An applicant is not eligible for a permit under this subsection if, less
12 than two (2) years before the date of the application, the applicant sold
13 a retailers' permit that was subject to IC 7.1-3-22 and that was for
14 premises located within the district described in this subsection or
15 within five hundred (500) feet of the district. A permit issued under this
16 subsection may not be transferred. If the commission issues five (5)
17 new permits under this subsection, and a permit issued under this
18 subsection is later revoked or is not renewed, the commission may
19 issue another new permit, as long as the total number of active permits
20 issued under this subsection does not exceed five (5) at any time. The
21 commission shall conduct an auction of the permits under
22 IC 7.1-3-22-9, except that the auction may be conducted at any time as
23 determined by the commission.

24 (j) Subject to section 16.2 of this chapter and except as provided in
25 section 16.3 of this chapter, the commission may issue not more than
26 six (6) new three-way, two-way, or one-way permits to sell alcoholic
27 beverages for on-premises consumption only to an applicant who is the
28 proprietor, as owner or lessee, or both, of a restaurant on land within a
29 municipal lakefront development project funded in part with state,
30 local, and federal money. A permit issued under this subsection may
31 not be transferred. If the commission issues six (6) new permits under
32 this subsection, and a permit issued under this subsection is later
33 revoked or is not renewed, the commission may issue another new
34 permit, as long as the total number of active permits issued under this
35 subsection does not exceed six (6) at any time. The commission shall
36 conduct an auction of the permits under IC 7.1-3-22-9, except that the
37 auction may be conducted at any time as determined by the
38 commission. Notwithstanding any other law, the minimum bid for an
39 initial permit under this subsection is ten thousand dollars (\$10,000).

40 (k) Except as provided in section 16.3 of this chapter, the
41 commission may issue not more than nine (9) new three-way permits
42 to sell alcoholic beverages for on-premises consumption to applicants,



1 each of whom must be a proprietor, as owner or lessee, or both, of a
2 restaurant located:

3 (1) within a motorsports investment district (as defined in
4 IC 5-1-17.5-11); or

5 (2) not more than one thousand five hundred (1,500) feet from a
6 motorsports investment district.

7 The ownership of a permit issued under this subsection and the location
8 for which the permit was issued shall not be transferred. If the
9 commission issues nine (9) new permits under this subsection, and a
10 permit issued under this subsection is later revoked or is not renewed,
11 the commission may issue another new permit, as long as the total
12 number of active permits issued under this subsection does not exceed
13 nine (9) at any time. A permit holder and any lessee or proprietor of the
14 permit premises are subject to the formal written commitment required
15 under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 **and**
16 **IC 7.1-3-1.1**, if business operations cease at the permit premises for
17 more than six (6) months, the permit shall revert to the commission.
18 The permit holder is not entitled to any refund or other compensation.

19 (l) Except as provided in section 16.3 of this chapter, the
20 commission may issue not more than two (2) new three-way permits to
21 sell alcoholic beverages for on-premises consumption for premises
22 located within a qualified motorsports facility (as defined in
23 IC 5-1-17.5-14). The ownership of a permit issued under this
24 subsection and the location for which the permit was issued shall not
25 be transferred. If the commission issues two (2) new permits under this
26 subsection, and a permit issued under this subsection is later revoked
27 or is not renewed, the commission may issue another new permit, as
28 long as the total number of active permits issued under this subsection
29 does not exceed two (2) at any time. A permit holder and any lessee or
30 proprietor of the permit premises are subject to the formal written
31 commitment required under IC 7.1-3-19-17. Notwithstanding
32 IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if business operations cease at the
33 permit premises for more than six (6) months, the permit shall revert
34 to the commission. The permit holder is not entitled to any refund or
35 other compensation.

36 SECTION 39. IC 7.1-3-20-16.1 IS REPEALED [EFFECTIVE JULY
37 1, 2019]. Sec. 16.1: (a) This section applies to a municipal riverfront
38 development project authorized under section 16(d) of this chapter:

39 (b) In order to qualify for a permit, an applicant must demonstrate
40 that the municipal riverfront development project area where the permit
41 is to be located meets the following criteria:

42 (1) The project boundaries must border on at least one (1) side of



- 1 a river.
- 2 (2) The proposed permit premises may not be located more than:
- 3 (A) one thousand five hundred (1,500) feet; or
- 4 (B) three (3) city blocks;
- 5 from the river, whichever is greater. However, if the area adjacent
- 6 to the river is incapable of being developed because the area is in
- 7 a floodplain, or for any other reason that prevents the area from
- 8 being developed, the distances described in clauses (A) and (B)
- 9 are measured from the city blocks located nearest to the river that
- 10 are capable of being developed.
- 11 (3) The permit premises are located within:
- 12 (A) an economic development area, a redevelopment project
- 13 area, an urban renewal area, or a redevelopment area
- 14 established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;
- 15 (B) an economic development project district under
- 16 IC 36-7-15.2 or IC 36-7-26; or
- 17 (C) a community revitalization enhancement district
- 18 designated under IC 36-7-13-12.1.
- 19 (4) The project must be funded in part with state and city money.
- 20 (5) The boundaries of the municipal riverfront development
- 21 project must be designated by ordinance or resolution by the
- 22 legislative body (as defined in IC 36-1-2-9(3) or IC 36-1-2-9(4))
- 23 of the city in which the project is located.
- 24 (c) Proof of compliance with subsection (b) must consist of the
- 25 following documentation, which is required at the time the permit
- 26 application is filed with the commission:
- 27 (1) A detailed map showing:
- 28 (A) definite boundaries of the entire municipal riverfront
- 29 development project; and
- 30 (B) the location of the proposed permit within the project.
- 31 (2) A copy of the local ordinance or resolution of the local
- 32 governing body authorizing the municipal riverfront development
- 33 project.
- 34 (3) Detailed information concerning the expenditures of state and
- 35 city funds on the municipal riverfront development project.
- 36 (d) Notwithstanding subsection (b), the commission may issue a
- 37 permit for premises, the location of which does not meet the criteria of
- 38 subsection (b)(2), if all the following requirements are met:
- 39 (1) All other requirements of this section and section 16(d) of this
- 40 chapter are satisfied.
- 41 (2) The proposed premises is located not more than:
- 42 (A) three thousand (3,000) feet; or



- 1 (B) six (6) blocks;
 2 from the river, whichever is greater. However, if the area adjacent
 3 to the river is incapable of being developed because the area is in
 4 a floodplain, or for any other reason that prevents the area from
 5 being developed, the distances described in clauses (A) and (B)
 6 are measured from the city blocks located nearest to the river that
 7 are capable of being developed.
- 8 (3) The permit applicant satisfies the criteria established by the
 9 commission by rule adopted under IC 4-22-2. The criteria
 10 established by the commission may require that the proposed
 11 premises be located in an area or district set forth in subsection
 12 (b)(3).
- 13 (4) The permit premises may not be located less than two hundred
 14 (200) feet from facilities owned by a state educational institution.
- 15 (e) A permit may not be issued if the proposed permit premises is
 16 the location of an existing three-way permit subject to IC 7.1-3-22-3.
- 17 SECTION 40. IC 7.1-3-20-16.8, AS ADDED BY P.L.214-2016,
 18 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 16.8. (a) A permit that is authorized by this
 20 section may be issued without regard to the quota provisions of
 21 IC 7.1-3-22.
- 22 (b) Except as provided in section 16.3 of this chapter, the
 23 commission may issue not more than four (4) new three-way permits
 24 to sell alcoholic beverages for on-premises consumption to applicants
 25 in each of the following municipalities:
- 26 (1) Whitestown.
 27 (2) Lebanon.
 28 (3) Zionsville.
 29 (4) Westfield.
 30 (5) Carmel.
 31 (6) Fishers.
- 32 (c) The following apply to permits issued under this section:
- 33 (1) An applicant for a permit under this section must be a
 34 proprietor, as owner or lessee, or both, of a restaurant located
 35 within an economic development area, an area needing
 36 redevelopment, or a redevelopment district as established under
 37 IC 36-7-14 in a municipality's:
- 38 (A) downtown redevelopment district; or
 39 (B) downtown economic revitalization area.
- 40 (2) The cost of an initial permit is forty thousand dollars
 41 (\$40,000).
 42 (3) The total number of active permits issued under this section



1 may not exceed twenty-four (24) permits at any time. If any of the
 2 permits issued under this section are revoked or not renewed, the
 3 commission may issue only enough new permits to bring the total
 4 number of permits to twenty-four (24) active permits, with not
 5 more than four (4) in each municipality listed in subsection (b)(1)
 6 through (b)(6).

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

13 (5) Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business
 14 operations cease at the permit premises for more than six (6)
 15 months, the permit shall revert to the commission and the permit
 16 holder is not entitled to any refund or other compensation.

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

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

21 (8) If the area in which the permit premises is located is no longer
 22 designated an economic development area, an area needing
 23 redevelopment, or a redevelopment district, a permit issued under
 24 this section may be renewed, and the ownership of the permit may
 25 be transferred, but the permit may not be transferred from the
 26 permit premises.

27 SECTION 41. IC 7.1-3-20-16.9 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2019]: **Sec. 16.9. (a) As used in this section,**
 30 **"entertainment revitalization area" means a designated area that**
 31 **includes or will include any combination of the following:**

- 32 (1) Hotels.
- 33 (2) Restaurants.
- 34 (3) Retail sales establishments.
- 35 (4) Museums.
- 36 (5) Performing arts theaters.
- 37 (6) Motion picture theaters.
- 38 (7) Convention facilities.
- 39 (8) Sports facilities.
- 40 (9) Entertainment complexes.

41 (b) A municipality may designate not more than one (1)
 42 entertainment revitalization area. The municipality must adopt an



- 1 ordinance that does the following:
- 2 (1) Describes the boundaries of the proposed entertainment
- 3 revitalization area, which must be located completely within:
- 4 (A) the municipality; and
- 5 (B) an area or district established by the municipality
- 6 under IC 36-7-13-12.1, IC 36-7-14, IC 36-7-15.1,
- 7 IC 36-7-15.2, or IC 36-7-26.
- 8 (2) Authorizes an increase in the municipality's retailer
- 9 permit quota to one (1) permit per one thousand one hundred
- 10 twenty-five (1,125) persons or fraction thereof, subject to the
- 11 approval of the voters of the municipality in a public question.
- 12 (c) If an ordinance is adopted under subsection (b), a public
- 13 question shall be placed on the ballot in all of the precincts that are
- 14 located in the municipality in substantially the following form:
- 15 (Insert a brief description of the boundaries of the proposed
- 16 entertainment revitalization area and the number of additional
- 17 restaurant permits that may be issued within the entertainment
- 18 revitalization area if the public question is approved.)
- 19 "Shall _____ (insert name of municipality) increase the
- 20 number of alcoholic beverage permits for restaurants in
- 21 (insert name of municipality) to 1 permit for each 1,125
- 22 persons or fraction thereof, which would enable the alcohol
- 23 and tobacco commission to issue (insert number) new
- 24 restaurant permits within the proposed entertainment
- 25 revitalization area?"
- 26 (d) The county election board shall place the public question on
- 27 the ballot in accordance with IC 3-10-9 at the next regularly
- 28 scheduled general or municipal election that will occur in the
- 29 municipality. The clerk of the circuit court of a county holding an
- 30 election under this chapter shall certify the results to the
- 31 commission and the legislative body of the municipality.
- 32 (e) If at least fifty-one percent (51%) of the voters voting on the
- 33 public question vote "yes", the following occurs:
- 34 (1) The municipality's permit quota is increased as set forth
- 35 in subsection (b)(2).
- 36 (2) Any additional retailer's permits issued as a result of an
- 37 increase in quota under this section must be:
- 38 (A) three-way permits; and
- 39 (B) issued to premises located within the boundaries of the
- 40 proposed entertainment revitalization area designated in
- 41 the ordinance.
- 42 (f) The following apply to a permit issued under this section:



- 1 **(1) The permit is subject to the quota.**
 2 **(2) Notwithstanding any other law, the permit premises may**
 3 **not sell alcoholic beverages for consumption off the licensed**
 4 **premises.**
 5 **(3) The permit may not be transferred to premises located**
 6 **outside the boundaries of the entertainment revitalization**
 7 **area.**
 8 **(4) A permit holder and any lessee or proprietor of the permit**
 9 **premises are subject to the formal written commitment**
 10 **required under IC 7.1-3-19-17.**
 11 **(g) If a public question under this section is placed on the ballot**
 12 **in a municipality and less than fifty-one percent (51%) of the**
 13 **voters voting on the public question vote "yes" on the public**
 14 **question, another public question under this section may not be**
 15 **held in the municipality for at least four (4) years.**
 16 **(h) The municipal legislative body may not change the**
 17 **boundaries of an entertainment revitalization area or repeal an**
 18 **ordinance designating an entertainment revitalization area at any**
 19 **time after a local public question is placed on the ballot.**
 20 **(i) If an area or district described in subsection (b)(1)(B) in**
 21 **which the entertainment revitalization area is located expires, the**
 22 **entertainment revitalization area is unaffected and continues for**
 23 **purposes of this title. The commission may continue to issue**
 24 **retailer's permits within the entertainment revitalization area**
 25 **under this section subject to availability under the municipality's**
 26 **retailer's permit quota.**
 27 **(j) The cost of an initial permit issued under this subsection is**
 28 **the greater of:**
 29 **(1) the most recent sale price of a permit under this**
 30 **subsection; or**
 31 **(2) ten thousand dollars (\$10,000).**
 32 **All proceeds of a permit sold under this subsection shall be**
 33 **deposited in the enforcement and administration fund established**
 34 **under IC 7.1-4-10. The renewal fee for the permit is one thousand**
 35 **dollars (\$1,000).**
 36 **SECTION 42. IC 7.1-3-20-22 IS REPEALED [EFFECTIVE JULY**
 37 **1, 2019]. See: 22: Resort Hotels: Seasonal Permits: The commission**
 38 **may grant a seasonal permit to a resort hotel upon the application of its**
 39 **owner or manager if he possesses the same qualifications that are**
 40 **required for the issuance of corresponding permits to other applicants:**
 41 **The seasonal permit shall entitle the permittee to sell beer, liquor, or**
 42 **wine, from the fifteenth day of April to the fifteenth day of October;**



- 1 both dates inclusive:
 2 SECTION 43. IC 7.1-3-20-28 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE UPON PASSAGE]: **Sec. 28. A retailer permittee may**
 5 **sell or dispense alcoholic beverages for on-premises consumption**
 6 **only in an outdoor beer garden that:**
 7 (1) has a bar;
 8 (2) is accessible only through the permit premises; and
 9 (3) is a defined area that is enclosed by:
 10 (A) the outside walls of the permit premises; or
 11 (B) a nontransparent wall that is at least seventy-two (72)
 12 inches in height.
 13 SECTION 44. IC 7.1-3-20-29 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: **Sec. 29. (a) As used in this section,**
 16 **"food hall" means the premises:**
 17 (1) located within a retail shopping and food service district;
 18 and
 19 (2) to which a master permit is issued under this section.
 20 (b) As used in this section, "master permit" means a food hall
 21 master permit issued under this section.
 22 (c) The commission may issue a master permit, which is a
 23 three-way retailer's permit for on premises consumption, to a food
 24 hall located in a retail shopping and food service district that meets
 25 the following requirements:
 26 (1) The district consists of an area that:
 27 (A) has been redeveloped, renovated, or environmentally
 28 remediated in part with grants from the federal, state, or
 29 local government under IC 36-7-11; and
 30 (B) is entirely located within an incorporated city or town.
 31 (2) The district consists of land and a building or group of
 32 buildings that are part of a common development.
 33 (3) The district is located within a locally designated historic
 34 district under IC 36-7-11 established by a city or town
 35 ordinance.
 36 (4) The district contains at least one (1) building that:
 37 (A) is on the list of the National Register for Historic Places
 38 or qualifies as a historic building worthy of preservation
 39 under IC 36-7-11; and
 40 (B) has been approved for present commercial use by the
 41 local historic preservation commission of the city or town.
 42 (d) The commission may issue a master permit to the owner or



1 developer of a food hall. The food hall constitutes a single permit
2 premises that:

- 3 (1) contains not less than seven (7) distinct, nonaffiliated retail
4 food and beverage vendors, each of which may apply for a
5 food hall vendor permit under section 30 of this chapter; and
6 (2) has a seating capacity of the type traditionally designed for
7 food and drink for at least one hundred (100) people.

8 (e) An applicant for a master permit shall post notice and
9 appear in front of the local board in which the permit premises is
10 situated. The local board shall determine the eligibility of the
11 applicant under this section and hear evidence in support of or
12 against the master permit location. A master permit may not be
13 transferred to a location outside the food hall permit premises. A
14 permit that is inactive for more than six (6) months shall revert
15 back to the commission or may be deposited with the commission
16 under IC 7.1-3-1.1 with the commission's permission.

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

20 SECTION 45. IC 7.1-3-20-30 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) The definitions in
23 section 29 of this chapter apply to this section.

24 (b) As used in this section, "vendor's permit" means a food hall
25 vendor's permit issued to an individual vendor operating within
26 the premises of a food hall for which a master permit is issued
27 under section 29 of this chapter.

28 (c) The commission may issue a one-, two-, or three-way
29 retailer's permit for on-premises consumption only to an applicant
30 for a vendor's permit that has been approved by the commission to
31 operate within a food hall. Each vendor that sells alcoholic
32 beverages within the food hall must obtain a vendor's permit.

33 (d) Each vendor permittee must satisfy the following
34 requirements:

- 35 (1) Each vendor permittee shall:
36 (A) maintain the vendor permittee's own retail merchant's
37 certificate; and
38 (B) be responsible for the payment of the vendor
39 permittee's own state gross retail taxes under IC 6-2.5 and
40 withholding taxes required to be remitted IC 6-3-4.
41 (2) Each vendor permittee shall conform to all health and
42 safety requirements of local and state agencies.



- 1 **(3) Each vendor permittee shall comply with all requirements**
 2 **under IC 7.1-5-9-15.**
- 3 **(4) Each vendor permittee shall comply with IC 7.1-5-10-20**
 4 **with regard to the vendor permittee's own food and beverage**
 5 **vending space. However, IC 7.1-5-10-20 does not prohibit a**
 6 **vendor permittee from establishing sale prices for drinks that**
 7 **are different from the sale prices for comparable drinks that**
 8 **are set by other vendor permittees.**
- 9 **(5) Each vendor permittee is not required to comply with**
 10 **section 9(b) of this chapter.**
- 11 **(6) Each vendor permittee is responsible to the commission**
 12 **for any and all violations of alcohol laws and rules associated**
 13 **with the vendor's permit.**
- 14 **(7) Each applicant for a vendor's permit must comply with**
 15 **905 IAC 1-36-1 and 905 IAC 1-36-2 and appear before the**
 16 **local alcohol board in the county in which the food hall**
 17 **vendor's permit will be situated. The local board shall only**
 18 **hear evidence on and determine the vendor's permit**
 19 **applicant's eligibility to hold a vendor's permit.**
- 20 **(8) Any vendor permittee that desires to relocate its food and**
 21 **beverage space within the food hall premises may relocate**
 22 **upon the commission's approval of a floor plan change.**
- 23 **(e) A vendor's permit authorized by this section may be issued**
 24 **without regard to the proximity provisions of IC 7.1-3-21-11 or the**
 25 **quota provisions of IC 7.1-3-22.**
- 26 **(f) A vendor's permit may not be transferred to a location**
 27 **outside the permit premises of the food hall. A vendor's permit that**
 28 **is inactive for more than six (6) months shall revert back to the**
 29 **commission or may be deposited with the commission subject to**
 30 **the approval of the commission.**
- 31 SECTION 46. IC 7.1-3-22-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) **Except as**
 33 **provided in IC 7.1-3-20-16.9**, the commission may grant only one (1)
 34 three-way permit, one (1) two-way permit, and one (1) one-way permit
 35 in an incorporated city or town or in an unincorporated town for each
 36 one thousand five hundred (1,500) persons, or fraction thereof, residing
 37 within the incorporated city or town or the unincorporated town. The
 38 commission shall include liquor retailer permits issued to clubs, but not
 39 those issued to fraternal clubs, in its quota computation when it is
 40 considering an application for a new liquor retailer's permit.
- 41 (b) This subsection applies when a city or town annexes into the city
 42 or town unincorporated territory where a retailer's permit has been



1 granted before the annexation. The commission may only reclassify a
 2 retailer's permit for a premises in the former unincorporated territory
 3 as a permit for a premises in an incorporated city or town if the
 4 permittee has actually conducted a business of selling alcoholic
 5 beverages to customers for consumption on the licensed premises for
 6 two (2) consecutive years. The period of two (2) consecutive years may
 7 begin to run either before or after the annexation occurs. However, the
 8 following apply when a person applies for a retailer's permit after
 9 notice of an annexation hearing is made under IC 36-4-3-2.1 and before
 10 the annexation occurs:

- 11 (1) The commission may grant the permit.
- 12 (2) The commission may not reclassify the permit as a permit for
- 13 a premises in an incorporated city or town.
- 14 (3) The permit may be transferred to another person.
- 15 (4) The permit may not be transferred to another location.

16 SECTION 47. IC 7.1-3-22-9 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) This section
 18 applies to any permit that is subject to the quota provisions of this
 19 chapter unless ~~that~~ the permit is obtained by sale, assignment, or
 20 transfer under IC 7.1-3-24.

21 (b) Whenever a permit to which this chapter applies becomes
 22 available, the commission shall offer an opportunity to bid for that
 23 permit to all persons who are qualified to receive that permit and who
 24 have indicated a desire to obtain that permit. The commission shall
 25 receive bids at an auction that it conducts. The highest bidder at the
 26 commission's auction who is qualified to receive the permit in all
 27 respects, including a determination by the local board that the person:

- 28 (1) is of good moral character and does not have a conviction
- 29 described in IC 7.1-3-4-2(a)(3); and
- 30 (2) is of good repute in the community in which that person
- 31 resides;

32 is entitled to receive the permit. This bidder shall pay the amount of the
 33 bid at the time the permit is issued as a special fee for initial issuance
 34 of the permit.

35 (c) The special fee for initial issuance of a permit that is prescribed
 36 by this section is in addition to any other fees imposed by this title.

37 (d) All fee revenues collected under this section are subject to
 38 IC 7.1-4-7-4.

39 (e) The commission shall adopt rules under IC 4-22-2 to implement
 40 this section.

41 SECTION 48. IC 7.1-3-23-44, AS AMENDED BY P.L.150-2018,
 42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 44. (a) As used in this section, "bureau" refers to
 2 the child support bureau of the department of child services established
 3 by IC 31-25-3-1.

4 (b) As used in this section, "delinquent" has the meaning set forth
 5 in IC 4-35-2-3.5.

6 (c) Upon receiving an order from the bureau (Title IV-D agency)
 7 under IC 31-25-4-32(k) or IC 31-25-4-34(f), the commission shall
 8 place on probationary status any permit issued under
 9 IC 7.1-3-18-9(a)(3) **(before July 1, 2020) or IC 7.1-3-18-9(b)(4)**
 10 **(after June 30, 2021)** and held by the person who is the subject of the
 11 order. The commission shall send the person a notice that does the
 12 following:

13 (1) States that the person's permit has been placed on probationary
 14 status.

15 (2) States that the person's permit will be suspended if the
 16 commission has not received notice from the bureau under
 17 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days
 18 after the date of the notice.

19 (3) Describes the amount of child support that the person is in
 20 arrears.

21 (4) Explains the procedures to:

22 (A) pay the person's child support arrearage in full; and

23 (B) establish a payment plan with the bureau to pay the
 24 arrearage, which must include an income withholding order
 25 under IC 31-16-15-2 or IC 31-16-15-2.5.

26 (d) If the commission has not received notice from the bureau under
 27 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the
 28 date of the notice in subsection (c), the commission shall suspend the
 29 permit issued to the person under IC 7.1-3-18-9(a)(3) **(before July 1,**
 30 **2021) or IC 7.1-3-18-9(b)(4) (after June 30, 2021).**

31 (e) The commission may not reinstate a permit placed on
 32 probationary status or suspended under this section until the
 33 commission receives a notice from the bureau under IC 31-25-4-32(m)
 34 or IC 31-25-4-34(g) that the person has addressed the delinquency.

35 SECTION 49. IC 7.1-3-24-3.5 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 37 **[EFFECTIVE JULY 1, 2019]: Sec. 3.5. (a) A person purchasing an**
 38 **existing permit from another permit holder must submit an**
 39 **executed purchase agreement to the commission as part of the**
 40 **applicant's request to transfer the ownership of the permit. The**
 41 **purchase agreement must include the following:**

42 (1) **The agreement must be signed by the applicant and the**



1 **current permit holder.**

2 **(2) The agreement must provide detailed information**
 3 **regarding the purchase price and sale terms of the permit and**
 4 **other business assets, including the following:**

5 **(A) An itemization of all personal and real property being**
 6 **sold, detailing the sale terms and price for each item.**

7 **(B) If the personal property and real property are being**
 8 **purchased by different persons, the purchase agreement**
 9 **must identify the persons purchasing each item of personal**
 10 **property and real property.**

11 **(C) Any other information required by the commission.**

12 **(b) A purchase agreement provided to the commission is**
 13 **confidential under IC 5-14-3 and may not be disclosed to the public**
 14 **except for the following information:**

15 **(1) The type of permit sold.**

16 **(2) The permit sale price.**

17 **(3) The jurisdiction (city, town, or county) in which the permit**
 18 **is located.**

19 **(c) The commission shall maintain a publicly accessible data**
 20 **base of the information listed in subsection (b).**

21 **(d) The commission shall review and consider an application for**
 22 **transfer of the permit and a purchase agreement before approving**
 23 **or denying the transfer application.**

24 SECTION 50. IC 7.1-3-27-6, AS AMENDED BY P.L.79-2015,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 6. (a) A ~~holder of person with an interest in~~ an
 27 artisan distiller's permit may also ~~hold~~ **have an interest in only** (1)
 28 of the following:

29 (1) A farm winery permit.

30 (2) A brewer's permit issued under IC 7.1-3-2-2(b).

31 (3) A distiller's permit under IC 7.1-3-7.

32 (b) A ~~holder of person with an interest in~~ an artisan distiller's
 33 permit who also ~~holds~~ **has an interest in** a permit described under
 34 subsection (a)(2) may hold a beer retailer's permit, a wine retailer's
 35 permit, or a liquor retailer's permit for a restaurant as described in
 36 IC 7.1-3-2-7(5)(C).

37 SECTION 51. IC 7.1-3-27-8.5 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2019]: **Sec. 8.5. (a) This section applies if:**

40 **(1) a person that has an artisan distiller's permit also has an**
 41 **interest in:**

42 **(A) a farm winery permit; or**



1 **(B) a brewer's permit under IC 7.1-3-2-7(5); and**
 2 **(2) the artisan distillery and the brewery or farm winery**
 3 **production facility occupy the same building.**

4 **(b) Notwithstanding any other provision, a person to whom this**
 5 **section applies may sell for consumption on the premises all**
 6 **alcoholic beverages:**

7 **(1) manufactured at the two (2) production facilities; and**
 8 **(2) from a single bar.**

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

13 **(c) This section does not exempt a person to which this section**
 14 **applies from complying with permit restrictions affecting the sales**
 15 **and service of each alcoholic beverage produced by the two (2)**
 16 **production facilities.**

17 SECTION 52. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]:

20 **Chapter 28. Salon Permit**

21 **Sec. 1. As used in this chapter, "salon" means a beauty culture**
 22 **salon licensed under IC 25-8-7.**

23 **Sec. 2. A salon permit is a retailer's permit. However, the special**
 24 **disqualification listed in IC 7.1-3-4-2(a)(14) does not apply to an**
 25 **applicant for a salon permit.**

26 **Sec. 3. (a) The commission may issue a salon permit to the**
 27 **proprietor of a salon that offers beauty culture to the public.**
 28 **However, the commission may not issue a salon permit under this**
 29 **chapter to a mobile salon under IC 25-8-3-23.**

30 **(b) A person must be at least twenty-one (21) years of age to be**
 31 **eligible for a salon permit under this chapter.**

32 **Sec. 4. The holder of a salon permit may offer complimentary**
 33 **wine or beer by the glass for consumption on the premises only to**
 34 **a customer receiving paid beauty culture services from a beauty**
 35 **culture professional (as defined in IC 25-8-2-2.6) or barber licensed**
 36 **under IC 25-8-12.1 that are provided by the salon.**

37 **Sec. 5. A holder of a salon permit is subject to the following**
 38 **requirements:**

39 **(1) An employee who serves wine or beer to a customer must**
 40 **be at least twenty-one (21) years of age.**

41 **(2) The proprietor and any employee who serves wine or beer**
 42 **must:**



- 1 (A) have successfully completed a server program or
 2 trainer program under IC 7.1-3-1.5; and
 3 (B) have an employee permit under IC 7.1-3-18-9.
 4 (3) A customer offered or served wine or beer must be at least
 5 twenty-one (21) years of age.
 6 (4) A customer may not be served more than two (2) six (6)
 7 ounce glasses of wine or two (2) twelve (12) ounce glasses of
 8 beer per day.
 9 (5) The permit holder may not advertise the service of
 10 complimentary wine or beer.
 11 (6) The permit holder may provide service of wine or beer
 12 only during the times that a retailer is permitted to serve
 13 alcoholic beverages by the glass under IC 7.1-3-1-14.
 14 (7) Each applicant for a salon permit must appear before the
 15 local alcohol board in the county in which the salon permit
 16 will be situated.

17 **Sec. 6. A holder of a salon permit may purchase wine or beer**
 18 **only from the holder of a retailer's permit, a dealer's permit, a**
 19 **brewer's permit under IC 7.1-3-2-7(5), or a farm winery permit.**

20 **Sec. 7. The holder of a salon permit must furnish the minimum**
 21 **food requirements prescribed by the commission.**

22 SECTION 53. IC 7.1-4-4.1-6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The advance cost fee
 24 for the transfer of an alcoholic beverage permit ~~from~~ is as follows:

25 (1) **If the transfer is from one (1) permit holder to another**
 26 **permit holder: ~~or~~**

27 (A) **two hundred fifty dollars (\$250); or**

28 (B) **if the transfer is subject to IC 7.1-3-24-3.5, the greater**
 29 **of:**

30 (i) **ten percent (10%) of the sale price of the permit; or**

31 (ii) **two hundred fifty dollars (\$250).**

32 (2) **If the transfer is from one (1) location to another location, a**
 33 **fee of is two hundred fifty dollars (\$250).**

34 SECTION 54. IC 7.1-4-4.1-7 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The fee for:

36 (1) a letter of extension; and

37 (2) each renewal of a letter of extension;

38 is ~~fifty two hundred~~ dollars (~~\$50~~) (**\$200**) if the need for the letter of
 39 extension, or renewal, is occasioned by the act or omission of the
 40 permittee. The commission shall waive the fee for a letter of extension,
 41 and a renewal, if the need for the letter of extension, or renewal, is
 42 occasioned by the act or omission of the commission, a local board, or



1 a third party unrelated to the permittee involved and not employed by
2 the permittee or under the control of the permittee.

3 SECTION 55. IC 7.1-4-4.1-9, AS AMENDED BY P.L.214-2016,
4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 9. (a) This section applies to the following
6 biennial permits:

- 7 (1) Beer retailer's permit.
- 8 (2) Liquor retailer's permit.
- 9 (3) Wine retailer's permit.
- 10 (4) One-way permit.
- 11 (5) Two-way permit.
- 12 (6) Three-way permit.
- 13 (7) Airplane beer permit.
- 14 (8) Airplane liquor permit.
- 15 (9) Airplane wine permit.
- 16 (10) Boat beer permit.
- 17 (11) Boat liquor permit.
- 18 (12) Boat wine permit.
- 19 (13) Dining car beer permit.
- 20 (14) Dining car liquor permit.
- 21 (15) Dining car wine permit.
- 22 ~~(16) Hotel seasonal permit.~~

23 (b) The commission shall charge a single fee for the issuance of any
24 combination of retailer's permits issued for the same location or
25 conveyance.

26 (c) Except as provided in subsection (d), an annual permit fee in the
27 following amount is imposed on a retailer:

- 28 (1) Five hundred dollars (\$500), if the retailer serves only beer or
29 only wine.
- 30 (2) Seven hundred fifty dollars (\$750), if the retailer serves both
31 beer and wine but no liquor.
- 32 (3) One thousand dollars (\$1,000), if the retailer serves beer,
33 wine, and liquor.

34 (d) An annual permit fee for a three-way permit issued to a state
35 park under IC 7.1-3-17.8-1 is two hundred fifty dollars (\$250).

36 SECTION 56. IC 7.1-4-4.1-12, AS AMENDED BY P.L.224-2005,
37 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2019]: Sec. 12. (a) This section applies to the following
39 biennial permits:

- 40 (1) Beer dealer's permit.
- 41 (2) Liquor dealer's permit.
- 42 ~~(3) Malt dealer's permit.~~



- 1 ~~(4)~~ **(3)** Wine dealer's permit.
- 2 (b) The commission shall charge a single fee for the issuance of any
- 3 combination of dealers' permits issued for the same location. The fee
- 4 is equal to the sum of the amount determined under subsection (c).
- 5 (c) An annual permit fee in the following amount is imposed on a
- 6 dealer:
- 7 (1) Five hundred dollars (\$500), if the dealer sells only beer, only
- 8 liquor, or only wine.
- 9 (2) Seven hundred fifty dollars (\$750), if the dealer sells:
- 10 (A) both beer and wine but no liquor;
- 11 (B) both wine and liquor but no beer; or
- 12 (C) both beer and liquor but no wine.
- 13 (3) One thousand dollars (\$1,000), if the dealer sells beer, wine,
- 14 and liquor.
- 15 SECTION 57. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006,
- 16 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2019]: Sec. 13. (a) This section applies to the following
- 18 permits:
- 19 (1) Beer wholesaler's permit.
- 20 ~~(2) Malt wholesaler's permit.~~
- 21 ~~(3)~~ **(2)** Liquor wholesaler's permit.
- 22 ~~(4)~~ **(3)** Wine wholesaler's permit.
- 23 (b) Except as provided in subsection (c), a permit fee of two
- 24 thousand dollars (\$2,000) is annually imposed for the issuance of each
- 25 of the permits described in subsection (a).
- 26 (c) A permit fee of one hundred dollars (\$100) is annually imposed
- 27 for the issuance of a wine wholesaler's permit to a permit applicant
- 28 who:
- 29 (1) has never previously held a wine wholesaler's permit and
- 30 anticipates selling less than twelve thousand (12,000) gallons of
- 31 wine and brandy in a year; or
- 32 (2) previously held a wine wholesaler's permit and certifies to the
- 33 commission that the permit applicant sold less than twelve
- 34 thousand (12,000) gallons of wine and brandy in the previous
- 35 year.
- 36 SECTION 58. IC 7.1-4-4.1-19 IS ADDED TO THE INDIANA
- 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2019]: **Sec. 19. The fee for a salon permit is**
- 39 **one hundred dollars (\$100) per year. The commission shall deposit**
- 40 **all fees collected under this section into the enforcement and**
- 41 **administration fund established under IC 7.1-4-10.**
- 42 SECTION 59. IC 7.1-4-4.1-20 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) The initial fee for a**
 3 **food hall master permit is one hundred thousand dollars**
 4 **(\$100,000).**

5 **(b) The annual renewal fee for a food hall master permit is ten**
 6 **thousand dollars (\$10,000).**

7 **(c) The commission shall deposit all fees collected under this**
 8 **section into the enforcement and administration fund established**
 9 **under IC 7.1-4-10.**

10 SECTION 60. IC 7.1-4-4.1-21 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: **Sec. 21. (a) The initial application**
 13 **fee for a food hall vendor's permit is twenty-five thousand dollars**
 14 **(\$25,000).**

15 **(b) The annual renewal fee for a food hall vendor's permit is one**
 16 **thousand dollars (\$1,000).**

17 **(c) The commission shall deposit all fees collected under this**
 18 **section into the enforcement and administration fund established**
 19 **under IC 7.1-4-10.**

20 SECTION 61. IC 7.1-4-5 IS REPEALED [EFFECTIVE JULY 1,
 21 2019]. (Malt Excise Tax).

22 SECTION 62. IC 7.1-4-7-4, AS AMENDED BY P.L.224-2005,
 23 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: **Sec. 4. (a) Except as provided in subsection (b);** The
 25 chairman and the department shall deposit the money collected under
 26 sections 1, 2, and 3 of this chapter, **IC 7.1-2-5-3, IC 7.1-2-5-8,**
 27 **IC 7.1-3-17.5, IC 7.1-3-17.7, IC 7.1-3-22-9, and IC 7.1-4-4.1-5** daily
 28 with the treasurer of state, and not later than the fifth day of the
 29 following month shall cover

30 ~~(1) thirty-four percent (34%) of the money collected under section~~
 31 ~~1 of this chapter into the enforcement and administration fund~~
 32 ~~established under IC 7.1-4-10-1. and~~

33 ~~(2) sixty-six percent (66%) of the money collected under section~~
 34 ~~1 of this chapter and money collected under sections 2 and 3 of~~
 35 ~~this chapter into the state general fund for state general fund~~
 36 ~~purposes.~~

37 **(b) The chairman and the department shall deposit all money**
 38 **collected under IC 7.1-2-5-3, IC 7.1-2-5-8, IC 7.1-3-17.5;**
 39 **IC 7.1-3-17.7, IC 7.1-3-22-9, and IC 7.1-4-4.1-5** daily with the treasurer
 40 of state, and not later than the fifth day of the following month shall
 41 cover the money into the enforcement and administration fund
 42 established under IC 7.1-4-10-1.



1 SECTION 63. IC 7.1-4-9-2, AS AMENDED BY P.L.86-2018,
 2 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2019]: Sec. 2. The chairman shall collect the
 4 authorized deduction retained by the state when an application for a
 5 permit of a type listed in section 1 of this chapter is denied. ~~The~~
 6 ~~chairman also shall collect the prescribed cost fee paid in connection~~
 7 ~~with the transfer of a permit of a type listed in section 1 of this chapter.~~

8 SECTION 64. IC 7.1-4-10-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~Use of Funds.~~ The
 10 monies in the enforcement and administration fund shall be used and
 11 disbursed solely for the enforcement and administration of this title,
 12 and for no other purpose. ~~Any unexpended balance remaining in the~~
 13 ~~fund at the end of a fiscal year shall not lapse but~~ **Money in the fund**
 14 **at the end of a state fiscal year does not revert to the state general**
 15 **fund, and** shall remain exclusively appropriated and available only for
 16 the purpose of the enforcement and administration of this title.

17 SECTION 65. IC 7.1-4-11-2.5, AS ADDED BY P.L.224-2005,
 18 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 2.5. The chairman shall deposit the money
 20 received from the collection of:

- 21 (1) the fees for a three-way permit under IC 7.1-3-20-16(f); and
- 22 (2) the advance cost fee for the transfer of a permit under
- 23 **IC 7.1-4-4.1-6;**

24 daily with the treasurer of state, and not later than the fifth day of the
 25 following month shall transfer the money into the enforcement and
 26 administration fund.

27 SECTION 66. IC 7.1-5-6-3, AS AMENDED BY P.L.191-2018,
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 3. (a) It is unlawful for a person to act as a clerk
 30 in a package liquor store, or as a bartender, waiter, waitress, or
 31 manager for a retailer permittee unless that person has applied for and
 32 been issued the appropriate permit. This section does not apply to
 33 dining car or boat employees, to a person described in IC 7.1-3-1.7, or
 34 to a person described in ~~IC 7.1-3-18-9(d).~~ **IC 7.1-3-18-9(f).** A person
 35 who knowingly or intentionally violates this subsection commits a
 36 Class B misdemeanor.

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

41 (c) It is a defense to a charge under this section for a new applicant
 42 for a permit if, not later than thirty (30) days after being cited by the



1 commission, the new applicant who was cited produces a receipt for a
 2 cashier's check or money order showing that an application for the
 3 appropriate permit was applied for on the date of the citation.

4 SECTION 67. IC 7.1-5-7-7, AS AMENDED BY P.L.159-2014,
 5 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C
 7 misdemeanor for a minor to knowingly:

- 8 (1) possess an alcoholic beverage;
- 9 (2) consume an alcoholic beverage; or
- 10 (3) transport an alcoholic beverage on a public highway when not
 11 accompanied by at least one (1) of the minor's parents or
 12 guardians.

13 **(b) However, the offense described in subsection (a) is a Class B**
 14 **misdemeanor if the alcoholic beverage is liquor.**

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

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

24 SECTION 68. IC 7.1-5-7-8, AS AMENDED BY P.L.159-2014,
 25 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 8. (a) It is a Class B misdemeanor for a person to:

- 27 (1) recklessly, knowingly, or intentionally sell, barter, exchange,
 28 provide, or furnish an alcoholic beverage to a minor; or
- 29 (2) knowingly or intentionally:

30 (A) rent property; or

31 (B) provide or arrange for the use of property;

32 for the purpose of allowing or enabling a minor to consume an
 33 alcoholic beverage on the property.

34 (b) However, the offense described in subsection (a) is:

- 35 (1) a Class A misdemeanor if the person has a prior unrelated
 36 conviction under this section; and
- 37 (2) a Level 6 felony if the consumption, ingestion, or use of the
 38 alcoholic beverage is the proximate cause of the serious bodily
 39 injury or death of any person.

40 **(c) However, the offense described in subsection (a) is a Class A**
 41 **misdemeanor if the alcoholic beverage is liquor.**

42 ~~(c)~~ (d) This section shall not be construed to impose civil liability



1 upon any postsecondary educational institution, including public and
 2 private universities and colleges, business schools, vocational schools,
 3 and schools for continuing education, or its agents for injury to any
 4 person or property sustained in consequence of a violation of this
 5 section unless the institution or its agent:

6 (1) sells, barter, exchanges, provides, or furnishes an alcoholic
 7 beverage to a minor; or

8 (2) either:

9 (A) rents property; or

10 (B) provides or arranges for the use of property;

11 for the purpose of allowing or enabling a minor to consume an
 12 alcoholic beverage on the property.

13 SECTION 69. IC 7.1-5-7-11, AS AMENDED BY P.L.270-2017,
 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 11. (a) The provisions of sections 9 and 10 of this
 16 chapter shall not apply if the public place involved is one (1) of the
 17 following:

18 (1) Civic center.

19 (2) Convention center.

20 (3) Sports arena.

21 (4) Bowling center.

22 (5) Bona fide club.

23 (6) Drug store.

24 (7) Grocery store.

25 (8) Boat.

26 (9) Dining car.

27 (10) Pullman car.

28 (11) Club car.

29 (12) Passenger airplane.

30 (13) Horse racetrack facility holding a recognized meeting permit
 31 under IC 4-31-5.

32 (14) Satellite facility (as defined in IC 4-31-2-20.5).

33 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
 34 public.

35 (16) That part of a restaurant which is separate from a room in
 36 which is located a bar over which alcoholic beverages are sold or
 37 dispensed by the drink.

38 (17) Entertainment complex.

39 (18) Indoor golf facility.

40 (19) A recreational facility such as a golf course, bowling center,
 41 or similar facility that has the recreational activity and not the sale
 42 of food and beverages as the principal purpose or function of the



- 1 person's business.
- 2 (20) A licensed premises owned or operated by a postsecondary
3 educational institution described in IC 21-17-6-1.
- 4 (21) An automobile racetrack.
- 5 (22) An indoor theater under IC 7.1-3-20-26.
- 6 (23) A senior residence facility campus (as defined in
7 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or
8 furnished as provided under IC 7.1-3-1-29.
- 9 (24) A hotel other than a part of a hotel that is a room in a
10 restaurant in which a bar is located over which alcoholic
11 beverages are sold or dispensed by the drink.
- 12 (25) The location of an allowable event to which IC 7.1-3-6.1
13 applies.
- 14 (26) The location of a charity auction to which IC 7.1-3-6.2
15 applies.
- 16 (27) A farm winery and any additional locations of the farm
17 winery under IC 7.1-3-12, if the minor is in the company of a
18 parent, legal guardian or custodian, or family member who is at
19 least twenty-one (21) years of age.
- 20 (28) An artisan distillery under IC 7.1-3-27, if:
- 21 (A) the person who holds the artisan distiller's permit also
22 holds a farm winery permit under IC 7.1-3-12; and
- 23 (B) the minor is in the company of a parent, legal guardian or
24 custodian, or family member who is at least twenty-one (21)
25 years of age.
- 26 **(29) The licensed premises of a salon (as defined in**
27 **IC 7.1-3-28-1).**
- 28 **(30) An art instruction studio under IC 7.1-5-8-4.6.**
- 29 **(31) The licensed premises of a food hall under IC 7.1-3-20-29**
30 **and the food and beverage vending space of a food hall vendor**
31 **permittee under IC 7.1-3-20-30. However, sections 9 and 10 of**
32 **this chapter apply to a bar within the food and beverage**
33 **vending space of a food hall vendor permittee under**
34 **IC 7.1-3-20-30 that serves alcoholic beverages intended to be**
35 **consumed while sitting or standing at the bar.**
- 36 (b) For the purpose of this subsection, "food" means meals prepared
37 on the licensed premises. It is lawful for a minor to be on licensed
38 premises in a room in which is located a bar over which alcoholic
39 beverages are sold or dispensed by the drink if all the following
40 conditions are met:
- 41 (1) The minor is eighteen (18) years of age or older.
- 42 (2) The minor is in the company of a parent, guardian, or family



1 member who is twenty-one (21) years of age or older.

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

5 SECTION 70. IC 7.1-5-7-13, AS AMENDED BY P.L.270-2017,
6 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 13. (a) Section 12 of this chapter does not prohibit
8 the following:

9 (1) The employment of a person at least eighteen (18) years of age
10 but less than twenty-one (21) years of age on or about licensed
11 premises where alcoholic beverages are sold, furnished, or given
12 away for consumption either on or off the licensed premises, for
13 a purpose other than:

- 14 (A) selling;
- 15 (B) furnishing, other than serving;
- 16 (C) consuming; or
- 17 (D) otherwise dealing in;

18 alcoholic beverages.

19 (2) A person at least nineteen (19) years of age but less than
20 twenty-one (21) years of age from ringing up a sale of alcoholic
21 beverages in the course of the person's employment. **After June**
22 **30, 2021, this subdivision applies only to a person employed by**
23 **a retailer permittee.**

24 (3) A person who is at least nineteen (19) years of age but less
25 than twenty-one (21) years of age and who has successfully
26 completed an alcohol server training program certified under
27 IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or
28 family room of a restaurant or hotel:

- 29 (A) in the course of a person's employment as a waiter,
30 waitress, or server; and
- 31 (B) under the supervision of a person who:
 - 32 (i) is at least twenty-one (21) years of age;
 - 33 (ii) is present at the restaurant or hotel; and
 - 34 (iii) has successfully completed an alcohol server training
35 program certified under IC 7.1-3-1.5 by the commission.

36 This subdivision does not allow a person at least nineteen (19)
37 years of age but less than twenty-one (21) years of age to be a
38 bartender.

39 (4) The employment of a person at least eighteen (18) years of age
40 but less than twenty-one (21) years of age on or about licensed
41 premises where alcoholic beverages are sold, furnished, or given
42 away for consumption either on or off the licensed premises if all



- 1 the following apply:
- 2 (A) The person is employed as an assistant on a delivery truck.
- 3 (B) The person's duties with respect to alcoholic beverages are
- 4 limited to handling alcoholic beverages in connection with the
- 5 loading, unloading, stowing, or storing of alcoholic beverages
- 6 that are being delivered or picked up.
- 7 (C) The person does not sell, furnish, or deal in alcoholic
- 8 beverages in any manner except as expressly permitted under
- 9 clause (B).
- 10 (D) The person acts under the supervision of a driver holding
- 11 a salesman's permit.
- 12 (E) The person does not collect money for the delivery or pick
- 13 up.
- 14 (b) This chapter does not prohibit a person less than twenty-one (21)
- 15 years of age from being on the premises of a brewery under
- 16 IC 7.1-3-2-7(5), a farm winery, including any additional locations of
- 17 the farm winery under IC 7.1-3-12-5, or an artisan distillery under
- 18 IC 7.1-3-27-5, if the person is:
- 19 (1) the child, stepchild, grandchild, nephew, or niece of an owner
- 20 of the:
- 21 (A) brewery;
- 22 (B) farm winery; or
- 23 (C) artisan distiller; and
- 24 (2) employed on the premises for a purpose other than:
- 25 (A) selling;
- 26 (B) furnishing, other than serving;
- 27 (C) consuming; or
- 28 (D) otherwise dealing in;
- 29 alcoholic beverages.
- 30 A minor described in this subsection is not required to be accompanied
- 31 by a parent, legal guardian or custodian, or family member who is at
- 32 least twenty-one (21) years of age while on the premises of the brewery
- 33 or farm winery.
- 34 SECTION 71. IC 7.1-5-7-15 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. A person
- 36 twenty-one (21) years of age or older who knowingly or intentionally
- 37 encourages, aids, or induces a minor to unlawfully possess an alcoholic
- 38 beverage commits a Class C infraction. **However, the offense is a**
- 39 **Class B infraction if the alcoholic beverage is liquor.**
- 40 SECTION 72. IC 7.1-5-8-4, AS AMENDED BY P.L.153-2015,
- 41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2019]: Sec. 4. (a) It is a Class B misdemeanor for a person



1 who owns or operates a private or public restaurant or place of public
 2 or private entertainment to knowingly or intentionally permit another
 3 person to come into the establishment with an alcoholic beverage for
 4 sale or gift, or for consumption in the establishment by that person or
 5 another, or to serve a setup to a person who comes into the
 6 establishment. However, the provisions of this section do not apply to
 7 the following:

8 (1) A private room hired by a guest of a bona fide club or hotel
 9 that holds a retail permit.

10 (2) A facility that is used in connection with the operation of a
 11 paved track that is used primarily in the sport of auto racing.

12 (3) An outdoor place of public entertainment that:

13 (A) has an area of at least four (4) acres and not more than six
 14 (6) acres;

15 (B) is located within one (1) mile of the White River;

16 (C) is owned and operated by a nonprofit corporation exempt
 17 from federal income taxation under Section 501(c)(3) of the
 18 Internal Revenue Code; and

19 (D) is used primarily in connection with live music concerts.

20 (b) An establishment operated in violation of this section is declared
 21 to be a public nuisance and subject to abatement as other public
 22 nuisances are abated under the provisions of this title.

23 (c) This section does not apply to a person who owns or operates a
 24 private or public restaurant or place of public or private entertainment
 25 where a qualified organization is conducting:

26 (1) an allowable event to which IC 7.1-3-6.1 applies, and the
 27 alcoholic beverage brought into the establishment is:

28 (A) in sealed bottles or cases; and

29 (B) donated to or purchased by the qualified organization to be
 30 offered as a prize in the allowable event; or

31 (2) a charity auction to which IC 7.1-3-6.2 applies, and the
 32 alcoholic beverage brought into the establishment is:

33 (A) in sealed bottles or cases; and

34 (B) donated to or purchased by the qualified organization to be
 35 offered for sale in the charity auction.

36 **(d) This section does not apply to a wine retailer permittee**
 37 **under section 4.5 of this chapter or an art instruction studio under**
 38 **section 4.6 of this chapter.**

39 SECTION 73. IC 7.1-5-8-4.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2019]: **Sec. 4.5. (a) This section applies only**
 42 **to a wine retailer permittee.**



1 **(b) A permittee may allow a patron to bring not more than one**
 2 **(1) seven hundred fifty (750) milliliter bottle of wine into the**
 3 **licensed premises, if the wine is:**

4 **(1) in a sealed bottle and not offered for sale; and**

5 **(2) only for consumption by:**

6 **(A) the patron; and**

7 **(B) persons seated at the patron's table;**

8 **while eating a meal prepared on the licensed premises and**
 9 **served at the table.**

10 **The permit holder may charge a corkage fee for serving wine that**
 11 **is brought into the licensed premises by a patron.**

12 SECTION 74. IC 7.1-5-8-4.6 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2019]: **Sec. 4.6. (a) As used in this section,**
 15 **"art instruction studio" means any commercial establishment that**
 16 **provides to its customers:**

17 **(1) all required supplies; and**

18 **(2) step-by-step instruction in creating a painting or other**
 19 **work of art;**

20 **during a studio instructional session that is not conducted on a**
 21 **licensed premises.**

22 **(b) As used in this section, "proprietor" means the proprietor**
 23 **of an art instruction studio who is at least twenty-one (21) years of**
 24 **age.**

25 **(c) A proprietor may allow a patron who is at least twenty-one**
 26 **(21) years of age to bring one (1) seven hundred fifty (750)**
 27 **milliliter bottle of wine into the art instruction studio, if the**
 28 **requirements of this section are satisfied.**

29 **(d) Wine that is brought into an art instruction studio must be:**

30 **(1) in a sealed bottle; and**

31 **(2) only for consumption by:**

32 **(A) the patron; and**

33 **(B) persons in the company of the patron who are at least**
 34 **twenty-one (21) years of age;**

35 **while receiving art instruction.**

36 **(e) The proprietor or an employee who is at least twenty-one**
 37 **(21) years of age may open and serve wine that is brought into the**
 38 **licensed premises by a patron. The proprietor may provide wine**
 39 **glasses and other barware for the use of patrons in opening and**
 40 **consuming wine brought into the art instruction studio. However,**
 41 **the proprietor or employee may not provide ice, mixers, or**
 42 **garnishes.**



1 (f) **The proprietor and an employee who opens or serves wine:**

2 (1) **must have:**

3 (1) **successfully completed a server program or trainer**
4 **program under IC 7.1-3-1.5; and**

5 (2) **an employee permit under IC 7.1-3-18-9;**

6 (2) **must verify the age of a person consuming wine by**
7 **examining:**

8 (A) **a driver's license bearing the person's photograph;**

9 (B) **a photographic identification card issued under**
10 **IC 9-24-16-1, or a similar card, issued under the laws of**
11 **another state or the federal government, showing the**
12 **person's age; or**

13 (C) **a government issued document bearing the person's**
14 **photograph and showing the person to be at least**
15 **twenty-one (21) years of age; and**

16 (3) **is responsible for any violation of IC 7.1-5-10-15.**

17 (g) **A proprietor who permits patrons to bring wine into the art**
18 **instruction studio must make food available for consumption at the**
19 **art instruction studio by:**

20 (1) **allowing a vehicle of transportation that is a food**
21 **establishment (as defined in IC 16-18-2-137) to serve food**
22 **near the art studio;**

23 (2) **placing menus in the art studio's premises of restaurants**
24 **that will deliver food to the art studio; or**

25 (3) **providing food prepared at the art studio.**

26 SECTION 75. IC 7.1-5-8-5, AS AMENDED BY P.L.94-2008,
27 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 5. (a) This section does not apply to a person who,
29 on or about a licensed premises, carries, conveys, or consumes beer or
30 wine:

31 (1) **described in IC 7.1-1-2-3(a)(4); and**

32 (2) **not sold or offered for sale.**

33 (b) This section does not apply to a person at a facility that is used
34 in connection with the operation of a track that is used primarily in the
35 sport of auto racing.

36 (c) This section does not apply to a person at an outdoor place of
37 public entertainment that:

38 (1) **has an area of at least four (4) acres and not more than six (6)**
39 **acres;**

40 (2) **is located within one (1) mile of the White River;**

41 (3) **is owned and operated by a nonprofit corporation exempt from**
42 **federal income taxation under Section 501(c)(3) of the Internal**



1 Revenue Code; and

2 (4) is used primarily in connection with live music concerts.

3 **(d) This section does not apply to a person who brings wine into**
 4 **the licensed premises or consumes wine that is brought into the**
 5 **licensed premises in accordance with section 4.5 or 4.6 of this**
 6 **chapter.**

7 ~~(d)~~ **(e)** It is a Class C misdemeanor for a person, for the person's
 8 own use, to knowingly carry on, convey to, or consume on or about the
 9 licensed premises of a permittee an alcoholic beverage that was not
 10 then and there purchased from that permittee.

11 SECTION 76. IC 7.1-5-9-10, AS AMENDED BY P.L.79-2015,
 12 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b),
 14 it is unlawful for a holder of a retailer's permit of any type to acquire,
 15 hold, own, or possess an interest of any type in a manufacturer's or
 16 wholesaler's permit of any type.

17 (b) It is lawful for a holder of a retailer's permit of any type to
 18 acquire, hold, own, or possess an interest of any type in **any of the**
 19 **following:**

20 (1) A brewer's permit issued under IC 7.1-3-2-2(b). ~~and~~

21 (2) An artisan distiller's permit if the holder of the retailer's permit
 22 also holds a brewer's permit described in subdivision (1).

23 **(c) It is lawful for the holder of a food hall vendor's permit**
 24 **under IC 7.1-3-20-30 to acquire, hold, own, or possess an interest**
 25 **of any type in a brewer's permit issued under IC 7.1-3-2-2.**
 26 **However, it is unlawful and a violation of subsection (a) for the**
 27 **holder of a food hall master permit under IC 7.1-3-20-29 to have**
 28 **ownership or control in the brewer's permit or the brewer's food**
 29 **hall vendor's permit.**

30 ~~(e)~~ **(d)** A person who knowingly or intentionally violates subsection
 31 (a) commits a Class B misdemeanor.

32 SECTION 77. IC 7.1-5-10-12, AS AMENDED BY P.L.234-2017,
 33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 12. (a) Except as provided in subsections (b)
 35 through (d) and subsection (f), it is unlawful for a permittee to sell,
 36 offer to sell, purchase or receive, an alcoholic beverage for anything
 37 other than cash. A permittee who extends credit in violation of this
 38 section shall have no right of action on the claim.

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



1 it is returned to the permittee.

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

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

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

14 (f) Nothing in this section may be construed to prohibit a ~~retailer or~~
15 ~~dealer a club that is not open to the general public~~ from ~~(†)~~
16 extending credit to a consumer purchasing alcohol for personal use at
17 any time. ~~as long as any amount owed to the retailer or dealer by a~~
18 ~~consumer for alcohol is paid in full before the consumer leaves the~~
19 ~~permittee's premises; or~~

20 (g) ~~(2)~~ **Nothing in this section may be construed to prohibit a**
21 **retailer or dealer from** accepting a:

- 22 ~~(A)~~ **(1)** credit card;
- 23 ~~(B)~~ **(2)** debit card;
- 24 ~~(C)~~ **(3)** charge card; or
- 25 ~~(D)~~ **(4)** stored value card;

26 from a consumer purchasing alcohol for personal use.

27 SECTION 78. IC 7.1-5-10-26 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2019]: **Sec. 26. (a) This section does not apply**
30 **to a package liquor store or grocery store that is a specialty store**
31 **or gourmet food store. This section applies after January 1, 2020.**

32 **(b) The holder of a dealer's permit shall display all alcoholic**
33 **beverages in one (1) designated area of the licensed premises,**
34 **which may include end of aisle displays. However, the commission**
35 **may not require a permit holder to construct or install a partition,**
36 **wall, or other barrier to separate the designated area from the**
37 **other retail areas of the premises.**

38 SECTION 79. IC 31-16-12-13, AS ADDED BY P.L.80-2010,
39 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 13. If a court finds that a person who holds or has
41 applied for an employee's permit issued under IC 7.1-3-18-9(a)(3)
42 **(before July 1, 2021) or IC 7.1-3-18-9(b)(4) (after June 30, 2021) is**



1 delinquent (as defined in IC 31-25-4-2) as a result of an intentional
 2 violation of an order for child support, the court shall issue an order to
 3 the alcohol and tobacco commission that:

4 (1) requires the person's employee's permit be suspended until
 5 further order of the court;

6 (2) orders the chairman of the alcohol and tobacco commission
 7 not to issue an employee's permit to the person who is the subject
 8 of the order if the person does not currently hold an employee's
 9 permit; or

10 (3) orders the chairman of the alcohol and tobacco commission
 11 not to renew the employee's permit of the person who is the
 12 subject of the order.

13 SECTION 80. IC 31-25-4-32, AS AMENDED BY P.L.150-2018,
 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 32. (a) When the Title IV-D agency finds that an
 16 obligor is delinquent, the Title IV-D agency shall send, to a verified
 17 address, a notice to the obligor that does the following:

18 (1) Specifies that the obligor is delinquent.

19 (2) Describes the amount of child support that the obligor is in
 20 arrears.

21 (3) States that unless the obligor:

22 (A) pays the obligor's child support arrearage in full;

23 (B) establishes a payment plan with the Title IV-D agency to
 24 pay the arrearage, which includes an income withholding
 25 order; or

26 (C) requests a hearing under section 33 of this chapter;
 27 within twenty (20) days after the date the notice is mailed, the
 28 Title IV-D agency shall issue an order to the bureau of motor
 29 vehicles stating that the obligor is delinquent and that the
 30 obligor's driving privileges shall be suspended.

31 (4) Explains that the obligor has twenty (20) days after the notice
 32 is mailed to do one (1) of the following:

33 (A) Pay the obligor's child support arrearage in full.

34 (B) Establish a payment plan with the Title IV-D agency to
 35 pay the arrearage, which includes an income withholding order
 36 under IC 31-16-15-2 or IC 31-16-15-2.5.

37 (C) Request a hearing under section 33 of this chapter.

38 (5) Explains that if the obligor has not satisfied any of the
 39 requirements of subdivision (4) not later than twenty (20) days
 40 after the notice is mailed, that the Title IV-D agency shall issue a
 41 notice to:

42 (A) the board or department that regulates the obligor's



- 1 profession or occupation, if any, that the obligor is delinquent
 2 and that the obligor may be subject to sanctions under
 3 IC 25-1-1.2, including suspension or revocation of the
 4 obligor's professional or occupational license;
 5 (B) the supreme court disciplinary commission if the obligor
 6 is licensed to practice law;
 7 (C) the department of education established by IC 20-19-3-1
 8 if the obligor is a licensed teacher;
 9 (D) the Indiana horse racing commission if the obligor holds
 10 or applies for a license issued under IC 4-31-6;
 11 (E) the Indiana gaming commission if the obligor holds or
 12 applies for a license issued under IC 4-33 and IC 4-35;
 13 (F) the commissioner of the department of insurance if the
 14 obligor holds or is an applicant for a license issued under
 15 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3;
 16 (G) the director of the department of natural resources if the
 17 obligor holds or is an applicant for a license issued by the
 18 department of natural resources under:
 19 (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
 20 (ii) IC 14-22-14 (Lake Michigan commercial fishing
 21 license);
 22 (iii) IC 14-22-16 (bait dealer's license);
 23 (iv) IC 14-22-17 (mussel license);
 24 (v) IC 14-22-19 (fur buyer's license);
 25 (vi) IC 14-24-7 (nursery dealer's license); or
 26 (vii) IC 14-31-3 (ginseng dealer's license); or
 27 (H) the alcohol and tobacco commission if the obligor holds or
 28 applies for an employee's permit under IC 7.1-3-18-9(a)(3)
 29 **(before July 1, 2021) or IC 7.1-3-18-9(b)(4) (after June 30,**
 30 **2021).**
 31 (6) Explains that the only basis for contesting the issuance of an
 32 order under subdivision (3) or (5) is a mistake of fact.
 33 (7) Explains that an obligor may contest the Title IV-D agency's
 34 determination to issue an order under subdivision (3) or (5) by
 35 making written application to the Title IV-D agency not later than
 36 twenty (20) days after the date the notice is mailed.
 37 (8) Explains the procedures to:
 38 (A) pay the obligor's child support arrearage in full; and
 39 (B) establish a payment plan with the Title IV-D agency to pay
 40 the arrearage, which must include an income withholding
 41 order under IC 31-16-15-2 or IC 31-16-15-2.5.
 42 (b) Whenever the Title IV-D agency finds that an obligor is



- 1 delinquent and has failed to:
- 2 (1) pay the obligor's child support arrearage in full;
- 3 (2) establish a payment plan with the Title IV-D agency to pay the
- 4 arrearage, which includes an income withholding order under
- 5 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 6 (3) request a hearing under section 33 of this chapter not later
- 7 than twenty (20) days after the date the notice described in
- 8 subsection (a) is mailed;
- 9 the Title IV-D agency shall issue an order to the bureau of motor
- 10 vehicles stating that the obligor is delinquent.
- 11 (c) An order issued under subsection (b) must require the following:
- 12 (1) If the obligor who is the subject of the order holds a driving
- 13 license or permit on the date the order is issued, that the driving
- 14 privileges of the obligor be suspended until further order of the
- 15 Title IV-D agency.
- 16 (2) If the obligor who is the subject of the order does not hold a
- 17 driving license or permit on the date the order is issued, that the
- 18 bureau of motor vehicles may not issue a driving license or permit
- 19 to the obligor until the bureau of motor vehicles receives a further
- 20 order from the Title IV-D agency.
- 21 (d) The Title IV-D agency shall provide the:
- 22 (1) full name;
- 23 (2) date of birth;
- 24 (3) verified address; and
- 25 (4) Social Security number or driving license number;
- 26 of the obligor to the bureau of motor vehicles.
- 27 (e) Whenever the Title IV-D agency finds that an obligor who is an
- 28 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
- 29 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
- 30 to:
- 31 (1) pay the obligor's child support arrearage in full;
- 32 (2) establish a payment plan with the Title IV-D agency to pay the
- 33 arrearage, which includes an income withholding order under
- 34 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 35 (3) request a hearing under section 33 of this chapter;
- 36 the Title IV-D agency shall issue an order to the board regulating the
- 37 practice of the obligor's profession or occupation stating that the
- 38 obligor is delinquent.
- 39 (f) An order issued under subsection (e) must direct the board or
- 40 department regulating the obligor's profession or occupation to impose
- 41 the appropriate sanctions described under IC 25-1-1.2.
- 42 (g) Whenever the Title IV-D agency finds that an obligor who is an



1 attorney or a licensed teacher is delinquent and the attorney or licensed
2 teacher has failed to:

- 3 (1) pay the obligor's child support arrearage in full;
- 4 (2) establish a payment plan with the Title IV-D agency to pay the
5 arrearage, which includes an income withholding order under
6 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 7 (3) request a hearing under section 33 of this chapter;

8 the Title IV-D agency shall notify the supreme court disciplinary
9 commission if the obligor is an attorney, or the department of education
10 if the obligor is a licensed teacher, that the obligor is delinquent.

11 (h) Whenever the Title IV-D agency finds that an obligor who holds
12 a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:

- 13 (1) pay the obligor's child support arrearage in full;
- 14 (2) establish a payment plan with the Title IV-D agency to pay the
15 arrearage, which includes an income withholding order under
16 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 17 (3) request a hearing under section 33 of this chapter;

18 the Title IV-D agency shall issue an order to the Indiana horse racing
19 commission if the obligor holds a license issued under IC 4-31-6, or to
20 the Indiana gaming commission if the obligor holds a license issued
21 under IC 4-33 or IC 4-35, stating that the obligor is delinquent and
22 directing the commission to impose the appropriate sanctions described
23 in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.

24 (i) Whenever the Title IV-D agency finds that an obligor who holds
25 a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
26 failed to:

- 27 (1) pay the obligor's child support arrearage in full;
- 28 (2) establish a payment plan with the Title IV-D agency to pay the
29 arrearage, which includes an income withholding order under
30 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 31 (3) request a hearing under section 33 of this chapter;

32 the Title IV-D agency shall issue an order to the commissioner of the
33 department of insurance stating that the obligor is delinquent and
34 directing the commissioner to impose the appropriate sanctions
35 described in IC 27-1-15.6-29 or IC 27-10-3-20.

36 (j) Whenever the Title IV-D agency finds that an obligor who holds
37 a license issued by the department of natural resources under
38 IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,
39 IC 14-24-7, or IC 14-31-3 has failed to:

- 40 (1) pay the obligor's child support arrearage in full;
- 41 (2) establish a payment plan with the Title IV-D agency to pay the
42 arrearage, which includes an income withholding order under



1 IC 31-16-15-2 or IC 31-16-15-2.5; or
 2 (3) request a hearing under section 33 of this chapter;
 3 the Title IV-D agency shall issue an order to the director of the
 4 department of natural resources stating that the obligor is delinquent
 5 and directing the director to suspend or revoke a license issued to the
 6 obligor by the department of natural resources as provided in
 7 IC 14-11-3.

8 (k) If the Title IV-D agency finds that an obligor who holds an
 9 employee's permit issued under IC 7.1-3-18-9(a)(3) **(before July 1,**
 10 **2021) or IC 7.1-3-18-9(b)(4) (after June 30, 2021)** has failed to:

- 11 (1) pay the obligor's child support arrearage in full;
- 12 (2) establish a payment plan with the Title IV-D agency to pay the
- 13 arrearage, which includes an income withholding order under
- 14 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 15 (3) request a hearing under section 33 of this chapter;

16 the Title IV-D agency shall issue an order to the alcohol and tobacco
 17 commission stating that the obligor is delinquent and directing the
 18 alcohol and tobacco commission to impose the appropriate sanctions
 19 under IC 7.1-3-23-44.

20 (l) A person's most recent address on file with the bureau constitutes
 21 a verified address for purposes of this section.

22 (m) When an obligor who was the subject of an order issued by the
 23 Title IV-D agency under subsection (b), (e), (g), (h), (i), (j), or (k) has:

- 24 (1) paid the obligor's child support arrearage in full; or
- 25 (2) established a payment plan with the Title IV-D agency to pay
- 26 the arrearage, which includes an income withholding order under
- 27 IC 31-16-15-2 or IC 31-16-15-2.5;

28 the Title IV-D agency shall provide notice to the appropriate entity
 29 under subsection (b), (e), (g), (h), (i), (j), or (k) that the obligor has
 30 addressed the delinquency.

31 SECTION 81. IC 31-25-4-34, AS AMENDED BY P.L.150-2018,
 32 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 34. (a) As used in this section, "board" has the
 34 meaning set forth in IC 25-1-1.2-2.

35 (b) If an obligor holds a license issued by a board and requests a
 36 hearing under section 33 of this chapter but fails to appear or appears
 37 and is found to be delinquent, the Title IV-D agency shall issue an
 38 order to the board that issued the obligor's license:

- 39 (1) stating that the obligor is delinquent; and
- 40 (2) requiring the board to comply with the actions required under
- 41 IC 25-1-1.2-8.

42 (c) If an obligor holds a license issued under IC 4-31-6, IC 4-33, or



1 IC 4-35 and requests a hearing under section 33 of this chapter but fails
 2 to appear or appears and is found to be delinquent, the Title IV-D
 3 agency shall issue an order to the:

- 4 (1) Indiana horse racing commission, if the obligor holds a license
 5 issued under IC 4-31-6; or
 6 (2) Indiana gaming commission, if the obligor holds a license
 7 issued under IC 4-33 or IC 4-35;

8 stating that the obligor is delinquent and requiring the commission to
 9 comply with the actions required under IC 4-31-6-11, IC 4-33-8.5-3, or
 10 IC 4-35-6.7-2.

11 (d) If an obligor holds a license issued under IC 27-1-15.6,
 12 IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of
 13 this chapter but fails to appear or appears and is found to be delinquent,
 14 the Title IV-D agency shall issue an order to the commissioner of the
 15 department of insurance:

- 16 (1) stating that the obligor is delinquent; and
 17 (2) requiring the commissioner to comply with the actions
 18 required under IC 27-1-15.6-29 or IC 27-10-3-20.

19 (e) If an obligor holds a license issued by the department of natural
 20 resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17,
 21 IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under
 22 section 33 of this chapter but fails to appear, or appears and is found to
 23 be delinquent, the Title IV-D agency shall issue an order to the director
 24 of the department of natural resources:

- 25 (1) stating that the obligor is delinquent; and
 26 (2) requiring the director to suspend or revoke a license issued by
 27 the department as provided in IC 14-11-3.

28 (f) If an obligor:

- 29 (1) holds an employee's permit issued under IC 7.1-3-18-9(a)(3)
 30 **(before July 1, 2021) or IC 7.1-3-18-9(b)(4) (after June 30,**
 31 **2021); and**

- 32 (2) requests a hearing under section 33 of this chapter but fails to
 33 appear or appears and is found to be delinquent;

34 the Title IV-D agency shall issue an order to the alcohol and tobacco
 35 commission stating that the obligor is delinquent and requiring the
 36 commission to impose the appropriate sanctions under IC 7.1-3-23-44.

37 (g) When an obligor who was the subject of an order issued by the
 38 Title IV-D agency under subsection (b), (c), (d), (e), or (f) has:

- 39 (1) paid the obligor's child support arrearage in full; or
 40 (2) established a payment plan with the Title IV-D agency to pay
 41 the arrearage, which includes an income withholding order under
 42 IC 31-16-15-2 or IC 31-16-15-2.5;



1 the Title IV-D agency shall provide notice to the appropriate entity
 2 under subsection (b), (c), (d), (e), or (f) that the obligor has addressed
 3 the delinquency.

4 SECTION 82. IC 35-46-1-10.1, AS ADDED BY P.L.94-2008,
 5 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 10.1. (a) If a permit holder or an agent or
 7 employee of a permit holder violates IC 7.1-5-7-8 on the licensed
 8 premises, in addition to any other penalty, a civil judgment may be
 9 imposed against the permit holder as follows:

10 (1) If the licensed premises at that specific business location has
 11 not been issued a citation or summons for a violation of
 12 IC 7.1-5-7-8 in the previous one hundred eighty (180) days a civil
 13 penalty of up to two hundred dollars (\$200). **However, if the**
 14 **violation is under IC 7.1-5-7-8(c), a civil penalty may be**
 15 **imposed of not more than five hundred dollars (\$500).**

16 (2) If the licensed premises at that specific business location has
 17 had one (1) citation or summons for a violation of IC 7.1-5-7-8 in
 18 the previous one hundred eighty (180) days, a civil penalty of up
 19 to four hundred dollars (\$400). **However, if the violation is**
 20 **under IC 7.1-5-7-8(c), a civil penalty may be imposed of not**
 21 **more than seven hundred dollars (\$700).**

22 (3) If the licensed premises at that specific business location has
 23 had two (2) citations or summonses for a violation of IC 7.1-5-7-8
 24 in the previous one hundred eighty (180) days, a civil penalty of
 25 up to seven hundred dollars (\$700). **However, if the violation is**
 26 **under IC 7.1-5-7-8(c), a civil penalty may be imposed of not**
 27 **more than one thousand dollars (\$1,000).**

28 (4) If the licensed premises at that specific business location has
 29 had three (3) or more citations or summonses for a violation of
 30 IC 7.1-5-7-8 in the previous one hundred eighty (180) days, a civil
 31 penalty of up to one thousand dollars (\$1,000). **However, if the**
 32 **violation is under IC 7.1-5-7-8(c), a civil penalty may be**
 33 **imposed of not more than one thousand three hundred dollars**
 34 **(\$1,300).**

35 (b) The defenses set forth in IC 7.1-5-7-5.1 are available to a permit
 36 holder in an action under this section.

37 (c) Unless a person less than twenty-one (21) years of age buys or
 38 receives an alcoholic beverage under the direction of a law
 39 enforcement officer as part of an enforcement action, a permit holder
 40 that sells alcoholic beverages is not liable under this section unless the
 41 person less than twenty-one (21) years of age who bought or received
 42 the alcoholic beverage is charged for violating IC 7.1-5-7-7.



1 (d) All civil penalties collected under this section shall be deposited
2 in the alcohol and tobacco commission's enforcement and
3 administration fund under IC 7.1-4-10.

4 SECTION 83. **An emergency is declared for this act.**

