



February 15, 2019

HOUSE BILL No. 1518

DIGEST OF HB 1518 (Updated February 13, 2019 11:31 pm - DI 107)

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

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. 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 other manufacturer's permits. 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. Provides that expunged criminal convictions may not be considered in determining an individual's eligibility to: (1) receive certain alcoholic beverage permits; or (2) be appointed to the alcoholic beverage commission or to a local 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
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Effective: Upon passage; July 1 2019.

Smaltz, Clere, Moed

January 17, 2019, read first time and referred to Committee on Public Policy.
February 14, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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and facilities that have permanent seating for at least 800 individuals. Removes provisions restricting the permits issued for civic centers, auditoriums, marinas, stadiums, exhibition halls, 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) 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. (4) 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. 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. Establishes a salon permit for a \$250 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 \$50,000; 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 \$2,500 or \$5,000. Provides that for a vending space that is more than 2,000 square feet, a one-way, two-way, or three-way permit must be purchased subject to availability under the quota. 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 an alcoholic beverage retailer's permit may be issued for proposed premises located within 200 feet of a church if: (1) the permit is issued before the church occupies the location; or (2) another exempt retailer's permit is already active within 200 feet of the church. Clarifies that an additional location of a farm winery that is separate from the winery may sell beer. Allows a retailer permittee or a holder of a supplemental caterer's permit operating at certain collegiate stadiums to purchase alcoholic beverages and have the alcoholic beverages stored in areas approved by the alcohol and tobacco commission to be later served at the stadium. Adds a county that owns a marina to the units that may receive an alcoholic beverage permit for the marina. Allows a restaurant to charge a corkage fee for each bottle of wine carried in to the restaurant, regardless of whether the restaurant actually opens the bottle or serves the wine. Provides that as long as a municipality has a riverfront development project district, the municipality may not establish an entertainment revitalization district. Provides that a holder of a permit for the state fair grounds may, if the permit holder is a small

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Digest Continued

brewery, farm winery, or artisan distillery, sell the alcoholic beverages produced by the permit holder for carryout. Specifies that if a small brewery, farm winery, or artisan distillery: (1) has two production facilities in one building and serves both types of products from a single bar; and (2) the law applicable to one of the permits regarding the presence of minors in the bar area is more prohibitive or restrictive than the law applicable to the other permit, the more prohibitive or restrictive law applies.



February 15, 2019

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

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1 (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax
 2 collected under a reciprocal agreement under IC 6-8.1-3; the vehicle
 3 excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the
 4 commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on
 5 recreational vehicles and truck campers (IC 6-6-5.1); the hazardous
 6 waste disposal tax (IC 6-6-6.6) (repealed); the 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 7.1-1-3-16.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.5. The term
 6 "entertainment complex" means a premises that

7 (1) is a site for the performance of musical, theatrical, or other
 8 entertainment **and**

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

10 (A) includes an area where at least ~~two thousand (2,000)~~ **eight**
 11 **hundred (800)** individuals may be seated at one (1) time in
 12 permanent seating. **and**

13 (B) is located in a facility that is:

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

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

17 (3) if located in a county other than a county containing a
 18 consolidated city, includes an area where at least twelve thousand
 19 (12,000) individuals may be seated at one (1) time in permanent
 20 seating.

21 SECTION 4. IC 7.1-1-3-18.5, AS ADDED BY P.L.94-2008,
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 18.5. (a) "Grocery store" means a store or part of
 24 a store that is known generally as:

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

28 (A) canned and frozen foods;

29 (B) fresh fruits and vegetables; and

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

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

33 (A) the retail sale of a line of goods that may include milk,
 34 bread, soda, and snacks; or

35 (B) the retail sale of automotive fuels and the retail sale of a
 36 line of goods that may include milk, bread, soda, and snacks;

37 (3) a warehouse club, superstore, supercenter, or general
 38 merchandise store and is primarily engaged in the retail sale of a
 39 general line of groceries or gourmet foods in combination with
 40 general lines of new merchandise, which may include apparel,
 41 furniture, and appliances; or

42 (4) a specialty or gourmet food store primarily engaged in the



1 retail sale of **wine and** miscellaneous specialty foods not for
 2 immediate consumption and not made on the premises, not
 3 including:

- 4 (A) meat, fish, and seafood;
 5 (B) fruits and vegetables;
 6 (C) confections, nuts, and popcorn; and
 7 (D) baked goods.

8 (b) The term includes a convenience store or food mart as described
 9 in subsection (a)(2) only if the sale of alcoholic beverages on the
 10 premises of the convenient store or food mart represents a percentage
 11 of annual gross sales of twenty-five percent (25%) or less of all items
 12 sold on the premises, excluding gasoline and automotive oil products.

13 (c) The term does not include an establishment known generally as
 14 a gas station that is primarily engaged in:

- 15 (1) the retail sale of automotive fuels, which may include diesel
 16 fuel, gasohol, or gasoline; or
 17 (2) the retail sale of automotive fuels, which may include diesel
 18 fuel, gasohol, or gasoline and activities that may include
 19 providing repair service, selling automotive oils, replacement
 20 parts, and accessories, or providing food services.

21 SECTION 5. IC 7.1-2-1-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~Qualifications of~~
 23 ~~Commissioners~~. To be eligible for appointment as a commissioner, a
 24 person shall possess the following qualifications:

25 (a) ~~He~~ **(1) The person shall must be at least thirty-one (31) years**
 26 **of age. or older.**

27 (b) ~~He~~ **(2) The person shall have a good moral character; and,**
 28 **may not have a conviction within ten (10) years before the**
 29 **date of appointment of:**

30 (A) **a federal crime having a sentence of at least one (1)**
 31 **year;**

32 (B) **an Indiana Class A, Class B, or Class C felony (for a**
 33 **crime committed before July 1, 2014) or a Level 1, Level 2,**
 34 **Level 3, Level 4, or Level 5 felony (for a crime committed**
 35 **after June 30, 2014); or**

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

41 **However, this subdivision does not apply to a conviction that**
 42 **has been expunged under IC 35-38-9.**



- 1 ~~(e)~~ **(3) The person shall have been a must be an Indiana**
 2 ~~resident of the state~~ for at least ten (10) years immediately
 3 preceding ~~his~~ **the person's** appointment.
- 4 SECTION 6. IC 7.1-2-3-4 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~General Powers of~~
 6 ~~Commission.~~ The commission shall have the power **to:**
- 7 ~~(a)~~ **(1)** hold hearings before the commission or its
 8 representative;
 9 ~~(b)~~ **(2)** take testimony and receive evidence;
 10 ~~(c)~~ **(3)** conduct inquiries with or without hearings;
 11 ~~(d)~~ **(4)** receive reports of investigators or other governmental
 12 officers and employees;
 13 ~~(e)~~ **(5)** administer oaths;
 14 ~~(f)~~ **(6)** subpoena witnesses and to compel them to appear and
 15 testify;
 16 ~~(g)~~ **(7)** issue and enforce subpoenas duces tecum;
 17 ~~(h)~~ **(8)** take or institute proceedings to enforce subpoenas, the
 18 rules and regulations, orders, or requirements of the commission
 19 or its representative;
 20 ~~(i)~~ **(9)** fix the compensation paid to witnesses appearing before
 21 the commission;
 22 ~~(j)~~ **(10)** establish and use a seal of the commission;
 23 ~~(k)~~ **(11)** certify copies of records of the commission or any
 24 other document or record on file with the commission;
 25 ~~(l)~~ **(12)** fix the form, mode, manner, time, and number of times
 26 for the posting or publication of any required notices if not
 27 otherwise provided in this title;
 28 ~~(m)~~ **(13)** issue letters of extension as authorized by
 29 IC 7.1-3-1-3.1; and
 30 ~~(n)~~ **(14)** hold permits on deposit as authorized by IC 7.1-3-1-3.5
 31 **and IC 7.1-3-1.1.**
- 32 SECTION 7. IC 7.1-2-3-4.6 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2019]: **Sec. 4.6. (a) The commission shall prepare quarterly**
 35 **reports that provide the rates of violation by permittees subject to**
 36 **an enforcement action under IC 7.1-5-7-17. The commission shall**
 37 **issue the quarterly reports on or before the fifteenth day of:**
 38 **(1) January, concerning violations committed during the**
 39 **preceding quarter consisting of the months of October**
 40 **through December;**
 41 **(2) April, concerning violations committed during the**
 42 **preceding quarter consisting of the months of January**



1 through March;

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

5 (4) October, concerning violations committed during the
6 preceding quarter consisting of the months of July through
7 September.

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

10 (1) business listing;

11 (2) permit type; and

12 (3) county.

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

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

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

20 SECTION 8. IC 7.1-2-4-2 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~Qualifications of~~
22 ~~Appointed Members~~. An appointed member of a local board shall
23 possess the following qualifications:

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

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

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

34 (A) a federal crime having a sentence of at least one (1)
35 year;

36 (B) an Indiana Class A, Class B, or Class C felony (for a
37 crime committed before July 1, 2014) or a Level 1, Level 2,
38 Level 3, Level 4, or Level 5 felony (for a crime committed
39 after June 30, 2014); or

40 (C) a crime in a state other than Indiana having a penalty
41 equal to the penalty for an Indiana Class A, Class B, or
42 Class C felony (for a crime committed before July 1, 2014)



1 or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony
 2 (for a crime committed after June 30, 2014).
 3 **However, this subdivision does not apply to a conviction that**
 4 **has been expunged under IC 35-38-9.**
 5 (d) He shall have a good moral character.
 6 SECTION 9. IC 7.1-2-4-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~Qualifications of~~
 8 ~~Designated Members.~~ (a) The designated member of a local board shall
 9 be a person of good moral character, **meet the following**
 10 **requirements:**
 11 (1) ~~The person must be an Indiana a resident. of Indiana and~~
 12 (2) ~~The person must be familiar with the laws of Indiana~~
 13 ~~concerning alcoholic beverages. beverage law.~~
 14 (3) ~~The person may not have a conviction within ten (10) years~~
 15 ~~before the date of appointment of:~~
 16 (A) ~~a federal crime having a sentence of at least one (1)~~
 17 ~~year;~~
 18 (B) ~~an Indiana Class A, Class B, or Class C felony (for a~~
 19 ~~crime committed before July 1, 2014) or a Level 1, Level 2,~~
 20 ~~Level 3, Level 4, or Level 5 felony (for a crime committed~~
 21 ~~after June 30, 2014); or~~
 22 (C) ~~a crime in a state other than Indiana having a penalty~~
 23 ~~equal to the penalty for an Indiana Class A, Class B, or~~
 24 ~~Class C felony (for a crime committed before July 1, 2014)~~
 25 ~~or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony~~
 26 ~~(for a crime committed after June 30, 2014).~~
 27 **However, this subdivision does not apply to a conviction that**
 28 **has been expunged under IC 35-38-9.**
 29 (b) The designated member may be an officer or employee of the
 30 commission.
 31 SECTION 10. IC 7.1-3-1-3, AS AMENDED BY P.L.196-2015,
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2019]: Sec. 3. (a) A permit of any type issued by the
 34 commission, except as provided in subsections (b) and (f) or unless
 35 otherwise provided in this title, shall be in force for one (1) calendar
 36 year only, including the day upon which it is granted. At the end of the
 37 one (1) year period the permit shall be fully expired and null and void.
 38 (b) Notwithstanding subsection (a), a permit that is subject to
 39 section 5.5 or 5.6 of this chapter is effective for two (2) calendar years,
 40 including the day upon which the permit is granted. However, a local
 41 board may recommend to the commission that the permit be issued or
 42 renewed for only a one (1) year period. The commission may issue or



- 1 renew a permit for the period recommended by the local board.
- 2 (c) A permittee who is granted a two (2) year permit under
3 subsection (b) or subsection (f) is liable for any annual fees assessed by
4 the commission. The annual fee is due on the annual anniversary date
5 upon which the permit was granted.
- 6 (d) If the commission grants a two (2) year permit, the commission
7 may ask a local board to hold a hearing to reconsider the duration of a
8 permittee's permit. A hearing held under this subsection is subject to
9 section 5.5 or 5.6 of this chapter. A local board shall hold the hearing
10 requested by the commission within thirty (30) days before the
11 permittee's next annual anniversary date and forward a
12 recommendation to the commission following the hearing.
- 13 (e) If a permittee is granted a permit for more than one (1) year, the
14 commission shall require the permittee to file annually with the
15 commission the information required for an annual permit renewal.
- 16 (f) Notwithstanding subsection (a), the following are effective for
17 two (2) calendar years, including the day upon which the permit is
18 granted:
- 19 (1) A beer wholesaler's permit issued under IC 7.1-3-3-1.
20 (2) A wine wholesaler's permit issued under IC 7.1-3-13-1.
21 (3) A liquor wholesaler's permit issued under IC 7.1-3-8-1.
- 22 (g) Except as provided in subsection (h), the commission shall
23 timely process a permittee's application for renewal of a permit unless
24 the permittee receives a notice of a violation from the office of the
25 prosecutor created under IC 7.1-2-2-1.
- 26 (h) The commission may timely process an application for renewal
27 of a permit filed by a permittee that receives notice of a violation as
28 described in subsection (g) if the chairman or the chairman's designee
29 authorizes the application for renewal of the permit to be timely
30 processed.
- 31 (i) Except as provided in subsection (k), a permittee may file an
32 application for renewal of a permit not later than:
- 33 (1) one (1) year after the date the permit expires **(in the case of a**
34 **permit that expires before July 1, 2019); or**
35 **(2) six (6) months after the date the permit expires (in the case**
36 **of a permit that expires after June 30, 2019).**
- 37 (j) Except as provided in subsection (k), if a permittee does not file
38 an application for renewal of a permit within ~~one (1) year~~ **as the time**
39 **provided in subsection (i), the permit reverts to the commission. At**
40 **least thirty (30) days before the date that a permit reverts to the**
41 **commission, the commission shall provide written notice to the**
42 **permittee informing the permittee of the date that the permittee's permit**



1 will revert to the commission.

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

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

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

15 **(1) more than one (1) year, in the case of a permittee under**
 16 **subsection (k)(1); or**
 17 **(2) more than six (6) months in the case of a permittee under**
 18 **subsection (k)(2);**

19 after the date the permit expires only if the permittee provides evidence
 20 that the permittee is engaged in an administrative or court proceeding
 21 that prevents the permittee from renewing the permit.

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

28 SECTION 11. IC 7.1-3-1-3.5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. **(a) This**
 30 **section only applies to a retailer or dealer permit that is deposited**
 31 **with the commission before July 1, 2019.**

32 **(b) A permittee to whom a retailer or dealer permit has been issued**
 33 **under this title may deposit that permit with the commission for a**
 34 **period of one (1) year if the permittee is unable to immediately operate**
 35 **the business to which the permit applies. Subject to subsections (d)**
 36 **through (e), the commission may extend the term of the deposit for not**
 37 **more than four (4) additional one (1) year periods if the permittee is**
 38 **able to show to the satisfaction of the commission that the permittee is**
 39 **making a good faith effort to put the permit into operation: under**
 40 **IC 7.1-3-1.1.**

41 **(c) This subsection applies to a permit that is deposited with the**
 42 **commission before July 1, 2016. The permit reverts to the**



1 **commission if the permit is not active before July 1, 2020.**

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

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

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

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

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

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

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

21 SECTION 12. IC 7.1-3-1-5, AS AMENDED BY P.L.196-2015,
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), an
 24 application for a permit to sell alcoholic beverages of any kind, and the
 25 required publication of notice, shall disclose the name of the applicant
 26 and the specific address where the alcoholic beverages are to be sold,
 27 and any assumed business name under which the business will be
 28 conducted. The application and notice also shall disclose the names
 29 and addresses of the president and secretary of the corporation, club,
 30 association, or organization who will be responsible to the public for
 31 the sale of the alcoholic beverage if the applicant is a corporation, club,
 32 association, or other type of organization.

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

42 **(1) the applicant must go before the local board for approval of**



1 the applicant; **and**
 2 **(2)** before making **a the permit in escrow** active, the permittee
 3 must go before the local board for approval of the location.
 4 SECTION 13. IC 7.1-3-1-18, AS AMENDED BY P.L.196-2015,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 18. (a) Except as provided in subsections (d) and
 7 (e), if publication of notice of application for a permit is required under
 8 this title, the publication shall be made in one (1) newspaper of general
 9 circulation published in the county where the permit is to be in effect.
 10 (b) Publication required under subsection (a) may be made in any
 11 newspaper of general circulation published one (1) or more times each
 12 week.
 13 (c) The rates which shall be paid for the advertising of a notice
 14 required under this title shall be those required to be paid in case of
 15 other notices published for or on behalf of the state.
 16 (d) The commission may publish notice of application for a
 17 ~~(1)~~ three-way permit for a restaurant described in
 18 IC 7.1-3-20-12(4) ~~or~~
 19 ~~(2) seasonal permit granted under IC 7.1-3-20-22;~~
 20 by posting the notice on the commission's Internet web site.
 21 (e) If:
 22 (1) the commission is unable to procure advertising of a notice as
 23 required under subsection (a) at the rates set forth in IC 5-3-1; or
 24 (2) the newspaper published in the county as described in
 25 subsection (a) refuses to publish the notice;
 26 the commission may, instead of publication in a newspaper as required
 27 under subsection (a), require the designated member of the local board
 28 of the county to post printed notices in three (3) prominent locations in
 29 the county.
 30 SECTION 14. IC 7.1-3-1-25, AS AMENDED BY P.L.119-2012,
 31 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 25. (a) ~~A city or county listed in this subsection~~
 33 **county, city, town, or township** that by itself or in combination with
 34 any other ~~municipal~~ **body of a county, city, town, or township**
 35 acquires by ownership or by lease any stadium, exhibition hall,
 36 auditorium, theater, convention center, or civic center may permit the
 37 retail sale of alcoholic beverages upon the premises if the governing
 38 board of the facility first applies for and secures the necessary permits
 39 as required by this title. ~~The cities and counties to which this~~
 40 **subsection applies are as follows:**
 41 ~~(1) A consolidated city or its county.~~
 42 ~~(2) A second class city.~~



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



- 1 **park the township and or** operated by the township.
- 2 (e) (c) A **county, city, town, or township** that owns a golf course
- 3 may permit the retail sale of alcoholic beverages upon the premises of
- 4 the golf course if the governing board of the golf course first applies for
- 5 and secures the necessary permits required by this title.
- 6 (f) A city that:
- 7 (1) has a population of more than twenty-nine thousand six
- 8 hundred (29,600) but less than twenty-nine thousand nine
- 9 hundred (29,900); and
- 10 (2) owns or leases a marina;
- 11 may permit the retail sale of alcoholic beverages upon the premises of
- 12 the marina if the governing board of the marina first applies for and
- 13 secures the necessary permits required by this title. The permit may
- 14 include the carryout sale of alcoholic beverages in accordance with
- 15 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
- 16 but may not include at-home delivery of alcoholic beverages.
- 17 (g) (d) A **county, city, town, or township** listed in this subsection
- 18 that owns a marina may be issued a permit for the retail sale of
- 19 alcoholic beverages on the premises of the marina. The permit may
- 20 include the carryout sale of alcoholic beverages in accordance with
- 21 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
- 22 but may not include at-home delivery of alcoholic beverages. However,
- 23 the **county, city, town, or township** must apply for and secure the
- 24 necessary permits that this title requires. **This subsection applies to the**
- 25 **following cities:**
- 26 (1) A city having a population of more than eighty thousand
- 27 (80,000) but less than eighty thousand four hundred (80,400).
- 28 (2) A city having a population of more than eighty thousand five
- 29 hundred (80,500) but less than one hundred thousand (100,000).
- 30 (3) A city having a population of more than thirty-one thousand
- 31 (31,000) but less than thirty-one thousand five hundred (31,500).
- 32 (4) A city having a population of more than thirty-six thousand
- 33 eight hundred twenty-five (36,825) but less than forty thousand
- 34 (40,000).
- 35 (5) A city having a population of more than forty-four thousand
- 36 five hundred (44,500) but less than forty-five thousand (45,000).
- 37 (h) (e) Notwithstanding subsection (a), the commission may issue
- 38 a civic center permit to a person that:
- 39 (1) by the person's self or in combination with another person is
- 40 the proprietor, as owner or lessee, of an entertainment complex;
- 41 or
- 42 (2) has an agreement with a person described in subdivision (1)



- 1 to act as a concessionaire for the entertainment complex for the
 2 full period for which the permit is to be issued.
- 3 SECTION 15. IC 7.1-3-1.1 IS ADDED TO THE INDIANA CODE
 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]:
- 6 **Chapter 1.1. Deposit of Retailer and Dealer Permits**
- 7 **Sec. 1. A permit deposited with the commission:**
- 8 (1) before July 1, 2019, is subject to this chapter, except to the
 9 extent that it conflicts with IC 7.1-3-1-3.5; and
 10 (2) after June 30, 2019, is subject to this chapter.
- 11 **Sec. 2. As used in this chapter, "affiliate" means:**
- 12 (1) a permit holder's parent, brother, sister, son, or daughter
 13 whether by adoption, whole blood, half-blood, or marriage;
 14 (2) a permit holder's spouse;
 15 (3) a permit holder's employee, director, officer, partner, or
 16 joint venturer;
 17 (4) a corporation subject to common control with the permit
 18 holder;
 19 (5) a shareholder or corporation that controls the permit
 20 holder; or
 21 (6) a corporation controlled by the permit holder other than
 22 as a fiduciary, an attorney, or an agent.
- 23 **Sec. 3. (a) If a permit holder is unable to immediately operate**
 24 **the business for which the permit was issued, the permit holder**
 25 **shall deposit the permit with the commission, subject to the**
 26 **commission's approval. The commission may approve the deposit**
 27 **of the permit for the following terms:**
- 28 (1) An initial term of deposit that expires twelve (12) months
 29 after the date of the commission's approval.
- 30 (2) An extension of the term of deposit that expires twelve (12)
 31 months after the date the initial term of deposit under
 32 subdivision (1) expires.
- 33 (3) A final extension of the term of deposit that expires twelve
 34 (12) months after the date that the extension of the term of
 35 deposit under subdivision (2) expires.
- 36 (b) If the permit has not expired or reverted to the commission,
 37 a permit holder may withdraw a permit that is deposited with the
 38 commission and make the permit active at any time before the
 39 term of deposit expires, subject to any requirements of the
 40 commission.
- 41 **Sec. 4. (a) A permit reverts to the commission if:**
- 42 (1) a term of deposit under section 3(a)(1) or 3(a)(2) of this



- 1 chapter expires without the commission approving an
 2 extension of the term; and
 3 (2) the permit is not active.
- 4 (b) A permit reverts to the commission if the term of deposit
 5 under section 3(a)(3) of this chapter expires and the permit is not
 6 active.
- 7 (c) A person is not entitled to a refund or compensation of any
 8 kind if a permit reverts to the commission under this chapter.
- 9 (d) In addition to the notice provided under IC 7.1-3-1-3, at least
 10 ninety (90) days before the date that a term of deposit expires, the
 11 commission shall provide written notice to the permit holder of the
 12 date that:
- 13 (1) the term of deposit expires; and
 14 (2) the permit will revert to the commission if:
 15 (A) the permit is not active; or
 16 (B) an extension of the term of deposit has not been
 17 approved by the commission.
- 18 **Sec. 5.** This section sets out the procedure for a permit holder to
 19 request deposit of a permit or extension of a term of deposit. A
 20 permit holder must do the following:
- 21 (1) Submit the permit holder's request for deposit or an
 22 extension of the term of deposit to the commission in writing.
 23 A permit holder must submit a request for extension at least
 24 sixty (60) days before the term of deposit expires.
- 25 (2) Appear at a public meeting of the commission and provide
 26 to the commission's satisfaction an explanation of the
 27 following:
- 28 (A) The specific reasons why the business for which the
 29 permit was issued is not immediately operational.
 30 (B) A timetable for making the business operational and
 31 the permit active.
 32 (C) A detailed statement of the permit holder's efforts to
 33 make the business operational and the permit active.
- 34 (3) The permit holder shall submit to the commission:
 35 (A) a business plan that is updated and accurate; and
 36 (B) any other documentation of the permit holder's efforts
 37 under subdivision (2)(C), including:
 38 (i) contracts for construction or renovation of the permit
 39 premises;
 40 (ii) zoning applications and approvals; and
 41 (iii) building permits and any other necessary
 42 government approvals.



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



1 holder's affiliate, and shall operate to prohibit the permit
 2 holder's affiliate from depositing with the commission the
 3 same type of permit for the same city, town, or
 4 unincorporated area of the county.

5 (c) In addition to any other information required, a request for
 6 deposit of a permit or an extension of a term of deposit must be
 7 accompanied by:

8 (1) a list of the permit holder's affiliates, including the
 9 affiliate's name and relationship to the permit holder
 10 submitting the request; and

11 (2) an affidavit stating that, to the best of the permit holder's
 12 knowledge, an affiliate of the permit holder does not, as of the
 13 date of the request, have a permit deposited with the
 14 commission:

15 (A) of the same type; and

16 (B) issued for the same city, town, or unincorporated area
 17 of the county.

18 (d) If any change occurs in the information provided to the
 19 commission under subsection (c), the permit holder must notify the
 20 commission of the change not later than ten (10) days after the
 21 change occurs.

22 (e) If a permit holder has two (2) or more permits on deposit
 23 with the commission on June 30, 2019, that are of the same type
 24 and issued for the same city, town, or unincorporated area of the
 25 county, the commission may only approve an extension of the term
 26 of deposit of one (1) of the permits after June 30, 2019.

27 SECTION 16. IC 7.1-3-1.5-1, AS ADDED BY P.L.161-2005,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 1. As used in this chapter, "alcohol server" means
 30 the following:

31 (1) A person who works on the licensed premises of a retailer
 32 permittee as a:

33 (A) manager;

34 (B) bartender; or

35 (C) waiter or a waitress.

36 (2) A person who works on the licensed premises of a dealer
 37 permittee as a:

38 (A) manager; or

39 (B) sales clerk.

40 (3) A person who is the proprietor of the licensed premises of
 41 a salon under IC 7.1-3-28 or an employee on the licensed
 42 premises that serves wine or beer.



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



- 1 ~~(D)~~ **(E)** Transfer beer directly from the brewery to the
 2 restaurant by means of:
 3 (i) bulk containers; or
 4 (ii) a continuous flow system.
- 5 ~~(E)~~ **(F)** Install a window between the brewery and an adjacent
 6 restaurant that allows the public and the permittee to view both
 7 premises.
- 8 ~~(F)~~ **(G)** Install a doorway or other opening between the
 9 brewery and an adjacent restaurant that provides the public
 10 and the permittee with access to both premises.
- 11 ~~(G)~~ **(H)** Sell the brewery's beer by the glass for consumption
 12 on the premises. Brewers permitted to sell beer **and wine** by
 13 the glass under this clause **and clause (D)** must make food
 14 available for consumption on the premises. A brewer may
 15 comply with the requirements of this clause by doing any of
 16 the following:
 17 (i) Allowing a vehicle of transportation that is a food
 18 establishment (as defined in IC 16-18-2-137) to serve food
 19 near the brewer's licensed premises.
 20 (ii) Placing menus in the brewer's premises of restaurants
 21 that will deliver food to the brewery.
 22 (iii) Providing food prepared at the brewery.
- 23 ~~(H)~~ **(I)** Sell and deliver beer to a consumer at the permit
 24 premises of the brewer or at the residence of the consumer.
 25 The delivery to a consumer may be made only in a quantity at
 26 any one (1) time of not more than one-half (1/2) barrel, but the
 27 beer may be contained in bottles or other permissible
 28 containers.
- 29 ~~(I)~~ **(J)** Sell the brewery's beer as authorized by this section for
 30 carryout on Sunday in a quantity at any one (1) time of not
 31 more than five hundred seventy-six (576) ounces. A brewer's
 32 beer may be sold under this clause at any address for which the
 33 brewer holds a brewer's permit issued under this chapter if the
 34 address is located within the same city boundaries in which the
 35 beer was manufactured.
- 36 ~~(J)~~ **(K)** With the approval of the commission, participate:
 37 (i) individually; or
 38 (ii) with other permit holders under this chapter, holders of
 39 artisan distiller's permits, holders of farm winery permits, or
 40 any combination of holders described in this item;
 41 in a trade show or an exposition at which products of each
 42 permit holder participant are displayed, promoted, and sold.



- 1 All of the permit holders may occupy the same tent, structure,
 2 or building. The commission may not grant to a holder of a
 3 permit under this chapter approval under this clause to
 4 participate in a trade show or exposition for more than
 5 forty-five (45) days in a calendar year.
- 6 ~~(K)~~ (L) Store or condition beer in a secure building that is:
 7 (i) separate from the brewery; and
 8 (ii) owned or leased by the permit holder.
- 9 A brewer may not sell or transfer beer directly to a permittee
 10 or consumer from a building described in this clause.
- 11 **(M) Sell the brewery's beer to the holder of a supplemental**
 12 **caterer's permit issued under IC 7.1-3-9.5 for on-premises**
 13 **consumption only at an event that is held outdoors on**
 14 **property that is contiguous to the brewery as approved by**
 15 **the commission.**
- 16 (6) If the brewer's brewery manufactures more than ninety
 17 thousand (90,000) barrels of beer in a calendar year for sale or
 18 distribution within Indiana, the permit holder may own a portion
 19 of the corporate stock of another brewery that:
 20 (A) is located in the same county as the brewer's brewery;
 21 (B) manufactures less than ninety thousand (90,000) barrels of
 22 beer in a calendar year; and
 23 (C) is the proprietor of a restaurant that operates under
 24 subdivision (5).
- 25 (7) Provide complimentary samples of beer that are:
 26 (A) produced by the brewer; and
 27 (B) offered to consumers for consumption on the brewer's
 28 premises.
- 29 (8) Own a portion of the corporate stock of a sports corporation
 30 that:
 31 (A) manages a minor league baseball stadium located in the
 32 same county as the brewer's brewery; and
 33 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 34 liquor retailer's permit for a restaurant located in that stadium.
- 35 (9) For beer described in IC 7.1-1-2-3(a)(4):
 36 (A) may allow transportation to and consumption of the beer
 37 on the licensed premises; and
 38 (B) may not sell, offer to sell, or allow sale of the beer on the
 39 licensed premises.
- 40 SECTION 19. IC 7.1-3-2-7.5, AS ADDED BY P.L.97-2015,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 7.5. (a) This section applies ~~only if the permit~~



1 premises of if:

2 (1) a person having an interest in a brewer's permit under

3 section 7(5) of this chapter also has an interest in ~~(1)~~ a farm

4 winery or an artisan distillery; and

5 (2) a brewery under section 7(5) of this chapter;

6 (2) the brewery production facility and the farm winery or

7 artisan distillery production facility occupy the same building.

8 (b) Notwithstanding any other provision, a person who holds a farm

9 winery permit and a brewery permit to which this section applies may

10 sell by the glass for consumption on the premises ~~(1) the farm winery's~~

11 ~~wine; and (2) the brewery's beer; from the same service bar, without a~~

12 ~~partition, wall, or any other structure separating the service of wine and~~

13 ~~the service of beer. all alcoholic beverages:~~

14 (1) manufactured by the two (2) production facilities; and

15 (2) from a single bar.

16 The commission may not require any physical separation at the

17 bar between the service of alcoholic beverages manufactured by

18 one (1) production facility and the service of alcoholic beverages

19 manufactured by the other production facility.

20 (c) This section does not exempt a permit holder from

21 complying with permit restrictions that affect the sales and service

22 of any of the alcoholic beverages manufactured by the production

23 facilities. If the law applicable to one (1) of the permits under

24 subsection (a)(2) that the person has an interest in is more

25 prohibitive or restrictive regarding the presence of a minor in the

26 bar area of the licensed premises than the law applicable to the

27 other premises under subsection (a)(2) that the person has an

28 interest in, the more prohibitive or restrictive law applies to the

29 single bar area.

30 SECTION 20. IC 7.1-3-3-5, AS AMENDED BY P.L.153-2015,

31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

32 JULY 1, 2019]: Sec. 5. (a) The holder of a beer wholesaler's permit

33 may purchase and import from the primary source of supply, possess,

34 and sell at wholesale, beer and flavored malt beverages manufactured

35 within or without this state.

36 (b) A beer wholesaler permittee may possess, transport, sell, and

37 deliver beer to:

38 (1) another beer wholesaler authorized by the brewer to sell the

39 brand purchased;

40 (2) an employee;

41 (3) a holder of a beer retailer's permit, beer dealer's permit,

42 temporary beer permit, dining car permit, boat permit, airplane



1 permit, or supplemental caterer's permit; ~~and~~
 2 **(4) a holder of a farm winery permit under IC 7.1-3-12; and**
 3 ~~(5)~~ **(5) a qualified organization for:**

4 (A) an allowable event to which IC 7.1-3-6.1 applies; or

5 (B) a charity auction to which IC 7.1-3-6.2 applies;

6 located within this state. The sale, donation to a qualified organization,
 7 transportation, and delivery of beer shall be made only from inventory
 8 that has been located on the wholesaler's premises before the time of
 9 invoicing and delivery.

10 (c) The beer wholesaler's bona fide regular employees may purchase
 11 beer from the wholesaler in:

12 (1) bottles, cans, or any other type of permissible containers in an
 13 amount not to exceed forty-eight (48) pints; or

14 (2) one (1) keg;

15 at any one (1) time.

16 (d) The importation, transportation, possession, sale, and delivery
 17 of beer shall be subject to the rules of the commission and subject to
 18 the same restrictions provided in this title for a person holding a
 19 brewer's permit.

20 (e) The holder of a beer wholesaler's permit may purchase, import,
 21 possess, transport, sell, and deliver any commodity listed in
 22 IC 7.1-3-10-5, unless prohibited by this title. However, a beer
 23 wholesaler may deliver flavored malt beverages only to the holder of
 24 one (1) of the following permits:

25 (1) A beer wholesaler or wine wholesaler permit, if the wholesaler
 26 is authorized by the primary source of supply to sell the brand of
 27 flavored malt beverage purchased.

28 (2) A wine retailer's permit, wine dealer's permit, temporary wine
 29 permit, dining car wine permit, boat permit, airplane permit, **a**
 30 **permit listed in subsection (b)(4)**, or supplemental caterer's
 31 permit.

32 (f) A beer wholesaler may:

33 (1) store beer for an out-of-state brewer described in IC 7.1-3-2-9
 34 and deliver the stored beer to another beer wholesaler that the
 35 out-of-state brewer authorizes to sell the beer;

36 (2) perform all necessary accounting and auditing functions
 37 associated with the services described in subdivision (1); and

38 (3) receive a fee from an out-of-state brewer for the services
 39 described in subdivisions (1) through (2).

40 SECTION 21. IC 7.1-3-4-2, AS AMENDED BY P.L.158-2013,
 41 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The commission shall not



1 issue a beer retailer's permit, except as otherwise authorized in this title
 2 and subject to the other restrictions contained in this title, to the
 3 following persons:

4 (1) An alien.

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

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

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

11 ~~(ii)~~ **(B)** an Indiana Class A, Class B, or Class C felony (for a
 12 crime committed before July 1, 2014) or a Level 1, Level 2,
 13 Level 3, Level 4, or Level 5 felony (for a crime committed
 14 after June 30, 2014); or

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

20 **However, this subdivision does not apply to a conviction that**
 21 **has been expunged under IC 35-38-9.**

22 ~~(3)~~ **(4)** A person who does not own the premises to which the
 23 permit will be applicable, or who does not have a bona fide lease
 24 on the premises for the full period for which the permit is to be
 25 issued.

26 ~~(4)~~ **(5)** A law enforcement officer or an officer who is not an
 27 elected officer of a municipal corporation, or governmental
 28 subdivision, or of ~~this state, Indiana~~, charged with any duty or
 29 function in the enforcement of this title.

30 ~~(5)~~ **(6)** An officer or employee of a person engaged in the
 31 alcoholic beverage traffic, which person is a nonresident of ~~this~~
 32 ~~state, Indiana~~, or is engaged in carrying on any phase of the
 33 manufacture of, traffic in, or transportation of alcoholic beverages
 34 without a permit under this title when a permit is required by this
 35 title.

36 ~~(6)~~ **(7)** If the permit applicant does not hold a brewer's permit, a
 37 person who leases from a person, or an officer or agent of that
 38 person, who holds a brewer's permit or a beer wholesaler's permit.

39 ~~(7)~~ **(8)** If the permit applicant does not hold a brewer's permit, a
 40 person who is indebted to a person who holds a brewer's permit
 41 or a beer wholesaler's permit, or an officer or agent of that person,
 42 for a debt secured by a lien, mortgage, or otherwise, upon the



- 1 premises for which the beer retailer's permit is to be applicable,
 2 or upon any of the property or fixtures on the premises, or used,
 3 or to be used in connection with the premises.
- 4 ~~(8)~~ **(9)** A person whose place of business is conducted by a
 5 manager or agent, unless the manager or agent possesses the same
 6 qualifications required for the issuance of a beer retailer's permit
 7 to the person.
- 8 ~~(9)~~ **(10)** A minor.
- 9 ~~(10)~~ **(11)** A person non compos mentis.
- 10 ~~(11)~~ **(12)** A person who has held a permit under this title and who
 11 has had that permit revoked within one (1) year prior to the date
 12 of application for a beer retailer's permit.
- 13 ~~(12)~~ **(13)** A person who has made an application for a permit of
 14 any type which has been denied less than one (1) year prior to the
 15 person's application for a beer retailer's permit unless the first
 16 application was denied by reason of a procedural or technical
 17 defect.
- 18 ~~(13)~~ **(14)** A person who is not the proprietor of a restaurant
 19 located and being operated on the premises described in the
 20 application for the beer retailer's permit, or of a hotel, or of a club,
 21 owning, or leasing the premises as a part of it. The
 22 disqualification contained in this subdivision shall not apply to
 23 the qualifications for or affect the privileges to be accorded under
 24 a beer dealer's permit or a dining car beer permit.
- 25 (b) Subsection ~~(a)(9)~~ **(a)(10)** does not prevent a minor from being
 26 a stockholder in a corporation.
- 27 SECTION 22. IC 7.1-3-5-2, AS AMENDED BY P.L.214-2016,
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 2. (a) As used in this section, "proprietor of a
 30 package liquor store" means the person that:
 31 (1) holds the financial investment in; and
 32 (2) exercises the financial and operational oversight of;
 33 a package liquor store.
- 34 (b) The commission may issue a beer dealer's permit only to an
 35 applicant who is the proprietor of a drug store, grocery store, or
 36 package liquor store.
- 37 (c) Subject to subsection (d), the commission may issue a beer
 38 dealer's permit to an applicant that is a foreign corporation if:
 39 (1) the applicant is duly admitted to do business in Indiana;
 40 (2) the sale of beer is within the applicant's corporate powers; and
 41 (3) the applicant is otherwise qualified under this title.
- 42 (d) Except as provided under IC 7.1-3-21-5.6, the commission may



1 issue a beer dealer's permit under subsection (c) for the premises of a
 2 package liquor store only if the proprietor of the package liquor store
 3 satisfies the Indiana resident ownership requirements described in
 4 IC 7.1-3-21-5(b), IC 7.1-3-21-5.2(b), or IC 7.1-3-21-5.4(b).

5 (e) The commission shall not issue a beer dealer's permit to a person
 6 who is disqualified under the special disqualifications. However, the
 7 special disqualification listed in ~~IC 7.1-3-4-2(a)(13)~~
 8 **IC 7.1-3-4-2(a)(14)** shall not apply to an applicant for a beer dealer's
 9 permit.

10 (f) Notwithstanding subsection (b), the commission may renew a
 11 beer dealer's permit for an applicant who:

12 (1) held a permit before July 1, 1997; and

13 (2) is the proprietor of a confectionery or a store that:

14 (A) is not a drug store, grocery store, or package liquor store;

15 (B) is in good repute; and

16 (C) in the judgment of the commission, deals in merchandise
 17 that is not incompatible with the sale of beer.

18 SECTION 23. IC 7.1-3-6-2, AS AMENDED BY P.L.214-2016,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 2. The commission may issue a temporary beer
 21 permit to a person who is qualified to hold a beer retailer's permit and
 22 who has such other qualifications as the commission may prescribe by
 23 a provisional order until it adopts a rule or regulation on the matter.
 24 However, the special disqualifications listed in ~~IC 7.1-3-4-2(a)(3)~~;
 25 ~~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)**,
 26 **IC 7.1-3-4-2(a)(9)**, and **IC 7.1-3-4-2(a)(14)**, and the residency
 27 requirements provided in IC 7.1-3-21-3, shall not apply to an applicant
 28 for a temporary beer permit.

29 SECTION 24. IC 7.1-3-9.5-3, AS AMENDED BY P.L.85-2017,
 30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2019]: Sec. 3. The holder of a supplemental caterer's permit
 32 is entitled to purchase alcoholic beverages only from:

33 (1) a brewery as described in **IC 7.1-3-2-7(5)(M)**;

34 (2) a farm winery as described in **IC 7.1-3-12-5(a)(13)**; and

35 (3) any other a permittee entitled to sell to the holder under this
 36 title.

37 Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a
 38 supplemental caterer's permit is entitled to sell alcoholic beverages
 39 only for on-premises consumption at those locations approved by the
 40 commission and at times lawful under the holder's retailers' permits.
 41 Except as provided in IC 7.1-3-6.1 and IC 7.1-3-6.2, the holder of a
 42 supplemental caterer's permit is not entitled to sell alcoholic beverages



1 at wholesale, nor for carry-out or at-home delivery.

2 SECTION 25. IC 7.1-3-10-2, AS AMENDED BY P.L.86-2018,
3 SECTION 110, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2019]: Sec. 2. The commission may issue a
5 liquor dealer's permit to the proprietor of a drug store who holds a
6 license issued by the state board of pharmacy. An applicant for a liquor
7 dealer's permit for a drug store shall not be disqualified under
8 ~~IC 7.1-3-4-2(a)(13)~~. **IC 7.1-3-4-2(a)(14)**.

9 SECTION 26. IC 7.1-3-10-4, AS AMENDED BY P.L.86-2018,
10 SECTION 111, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2019]: Sec. 4. The commission may issue a
12 liquor dealer's permit to the proprietor of a package liquor store. An
13 applicant for a liquor dealer's permit for a package liquor store shall not
14 be disqualified under ~~IC 7.1-3-4-2(a)(13)~~. **IC 7.1-3-4-2(a)(14)**.

15 SECTION 27. IC 7.1-3-12-5, AS AMENDED BY P.L.270-2017,
16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2019]: Sec. 5. (a) The holder of a farm winery permit:

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

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

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

26 (B) completes a server training program approved by the
27 commission;

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

30 **(4) is entitled to sell beer purchased from a wholesaler by the**
31 **glass for consumption on the premises only, including at an**
32 **additional farm winery location that is separate from the**
33 **winery as described in subsection (b), 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**



1 **(3) providing food prepared at the farm winery.**

2 SECTION 28. IC 7.1-3-12-7.5, AS ADDED BY P.L.97-2015,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 7.5. (a) This section applies if: ~~the permit~~
5 ~~premises of any combination of the following:~~

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

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

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

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

25 (c) Except as provided in this chapter, the restrictions and
26 provisions of a permittee's permit governing the sale or service of the
27 alcoholic beverage that is the subject of the permit apply to the sale and
28 service of the alcoholic beverage under this chapter. **This section does**
29 **not exempt a person to whom this section applies from complying**
30 **with permit restrictions affecting the sales and service of each of**
31 **the alcoholic beverages manufactured by the production facilities.**
32 **If the law applicable to one (1) of the permits under subsection**
33 **(a)(2) that the person has an interest in is more prohibitive or**
34 **restrictive regarding the presence of a minor in the bar area of the**
35 **licensed premises than the law applicable to the other premises**
36 **under subsection (a)(2) that the person has an interest in, the more**
37 **prohibitive or restrictive law applies to the single bar area.**

38 SECTION 29. IC 7.1-3-13-3, AS AMENDED BY P.L.153-2015,
39 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 3. (a) The holder of a wine wholesaler's permit
41 may purchase, import, and transport wine, brandy, or flavored malt
42 beverage from the primary source of supply. A wine wholesaler may



1 export and transport wine, brandy, or flavored malt beverage by the
 2 bottle, barrel, cask, or other container, to points outside Indiana. A
 3 wine wholesaler is entitled to sell, furnish, and deliver wine or flavored
 4 malt beverage from inventory that has been located on the wholesaler's
 5 premises before the time of invoicing and delivery to:

- 6 (1) a wine wholesaler;
- 7 (2) a wine retailer;
- 8 (3) a supplemental caterer;
- 9 (4) a temporary wine permittee; ~~and~~
- 10 (5) a wine dealer; **and**
- 11 (6) **a brewer under IC 7.1-3-2-7(5);**

12 but not at retail. A wine wholesaler may sell, furnish, and deliver
 13 brandy from inventory that has been located on the wholesaler's
 14 premises before the time of invoicing and delivery, but not at retail,
 15 only to a person who holds a liquor retailer's permit, a supplemental
 16 caterer's permit, or a liquor dealer's permit. A holder of a wine
 17 wholesaler's permit may sell wine to the wine wholesaler's bona fide
 18 regular employees. A wine wholesaler may sell, donate, and deliver
 19 wine or flavored malt beverage from inventory that has been located on
 20 the wholesaler's premises before the time of invoicing and delivery to
 21 a qualified organization that is conducting an allowable event to which
 22 IC 7.1-3-6.1 applies or a charity auction to which IC 7.1-3-6.2 applies.

23 (b) As used in this section, "brandy" means:

- 24 (1) any alcoholic distillate described in 27 CFR 5.22(d) as in
 25 effect on January 1, 1983; or
- 26 (2) a beverage product that:
 - 27 (A) is prepared from a liquid described in subdivision (1);
 - 28 (B) is classified as a cordial or liqueur as defined in 27 CFR
 29 5.22(h) as in effect on January 1, 1997; and
 - 30 (C) meets the following requirements:
 - 31 (i) At least sixty-six and two-thirds percent (66 2/3%) of the
 32 product's alcohol content is composed of a substance
 33 described in subdivision (1).
 - 34 (ii) The product's label makes no reference to any distilled
 35 spirit other than brandy.
 - 36 (iii) The product's alcohol content is not less than sixteen
 37 percent (16%) by volume or thirty-two (32) degrees proof.
 - 38 (iv) The product contains dairy cream.
 - 39 (v) The product's sugar, dextrose, or levulose content is at
 40 least twenty percent (20%) of the product's weight.
 - 41 (vi) The product contains caramel coloring.

42 (c) Nothing in this section allows a wine wholesaler to sell, give,



1 purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless
 2 the wine wholesaler also holds a beer wholesaler's permit under
 3 IC 7.1-3-3-1.

4 (d) A wine wholesaler that also holds a liquor wholesaler's permit
 5 under IC 7.1-3-8 may not:

6 (1) hold a beer wholesaler's permit under IC 7.1-3-3;

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

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

10 SECTION 30. IC 7.1-3-16-6, AS AMENDED BY P.L.214-2016,
 11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 6. The commission may issue a temporary wine
 13 permit to a person who is qualified to hold a beer retailer's permit and
 14 who has such other qualifications as the commission may prescribe by
 15 a provisional order until it adopts a rule or regulation on the matter.
 16 However, the special disqualifications listed in ~~IC 7.1-3-4-2(a)(3);~~
 17 ~~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),**
 18 **IC 7.1-3-4-2(a)(9), and IC 7.1-3-4-2(a)(14)** and the residency
 19 requirements provided in IC 7.1-3-21-3, shall not apply to an applicant
 20 for a temporary wine permit.

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

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

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

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

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

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

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

34 **(b) This subsection is effective after June 30, 2021. The**
 35 **commission may issue an employee's permit to a person who**
 36 **desires to act as any of the following:**

37 **(1) A sales clerk in a package liquor store.**

38 **(2) A sales clerk who makes or assists in making alcoholic**
 39 **beverage sales in a grocery store or drug store as described in**
 40 **subsection (d).**

41 **(3) An employee who serves wine or beer at a farm winery.**

42 **(4) A bartender, waiter, waitress, or manager in a retail**



1 establishment, excepting dining car and boat employees.

2 (5) Notwithstanding subsection (f), any person, including a
3 proprietor or employee who serves wine or beer on the
4 licensed premises of a salon.

5 (6) Notwithstanding subsection (f), any person, including a
6 proprietor or employee who serves wine or beer that is
7 brought by patrons into an art instruction studio.

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

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

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

25 (1) check out a sale of alcoholic beverages; or

26 (2) assist a customer in checking out a sale of alcoholic
27 beverages at a self-automated checkout stand;

28 **in the course of the person's employment, unless the sales clerk has**
29 **successfully completed a server program or trainer program under**
30 **IC 7.1-3-1.5.**

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

33 (1) the sole proprietor;

34 (2) a partner, a general partner, or a limited partner in a
35 partnership or limited partnership that owns the business
36 establishment;

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

39 (4) a stockholder in a corporation that owns the business
40 establishment;

41 is not required to obtain an employee's permit in order to perform any
42 of the acts listed in subsection (a).



1 ~~(e)~~ **(g)** An applicant may declare on the application form that the
 2 applicant will use the employee's permit only to perform volunteer
 3 service that benefits a nonprofit organization. It is unlawful for an
 4 applicant who makes a declaration under this subsection to use an
 5 employee's permit for any purpose other than to perform volunteer
 6 service that benefits a nonprofit organization.

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

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

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

15 (2) the applicant completed the sentence for the second
 16 conviction, including any term of probation or parole, less than
 17 two (2) years before the date of the applicant's application for the
 18 permit.

19 ~~(h)~~ **(j)** If an applicant for an employee's permit has at least three (3)
 20 unrelated convictions for operating while intoxicated in the ten (10)
 21 years immediately preceding the date of the applicant's application for
 22 the permit, the commission may not grant the issuance of the permit.
 23 If, in the ten (10) years immediately preceding the date of the
 24 applicant's application the applicant has:

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

27 (2) two (2) unrelated convictions for operating while intoxicated,
 28 and the applicant is not subject to subsection ~~(f)~~ **or** ~~(g)~~; **(h) or (i)**;
 29 the commission may grant or deny the issuance of a permit.

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

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

35 (2) the employee is convicted of operating while intoxicated after
 36 the issuance of the permit.

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

40 SECTION 32. IC 7.1-3-19-17, AS AMENDED BY P.L.214-2016,
 41 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 17. (a) This section applies to a permit issued



1 under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k),
 2 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
 3 municipal legislative body has adopted an ordinance requiring a formal
 4 written commitment as a condition of eligibility for a permit, as
 5 described in subsection (b).

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

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

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

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

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

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

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

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

33 (1) deny the application to renew the permit; or

34 (2) revoke the permit;

35 as applicable.

36 SECTION 33. IC 7.1-3-20-9.5, AS AMENDED BY P.L.86-2018,
 37 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: Sec. 9.5. (a) This section applies only to
 39 a retailer's permit for a restaurant.

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

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

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- 1 (2) A marina under IC 7.1-3-1-25.
 2 (3) A state park under IC 7.1-3-17.8.
 3 (4) A golf course.
 4 (5) A hotel or resort hotel.
 5 (6) A social or fraternal club.
 6 (7) A restaurant, the proprietor of which is the holder of a
 7 brewer's permit under IC 7.1-3-2-7(5).
- 8 (c) Except as provided in subsections (d) and (e), after May 14,
 9 2017, a retailer permittee may not sell alcoholic beverages for carryout
 10 unless at least sixty percent (60%) of the retailer permittee's gross retail
 11 income from the sale of alcoholic beverages is derived from the sale of
 12 alcoholic beverages for consumption on the licensed premises.
- 13 (d) This subsection applies only to a retailer's permit with carryout
 14 privileges that was ~~initially: (1) issued to the current permit holder~~
 15 ~~or (2) transferred as to ownership or to the premises location;~~ before
 16 November 1, 2016. Notwithstanding IC 7.1-3-1-1.5, a retailer permittee
 17 may continue to sell carryout after May 14, 2017, and is not required
 18 to comply with the gross retail income requirements. ~~However, if the~~
 19 ~~permit is transferred to a new location after May 14, 2017, and the~~
 20 ~~location is not exempt under subsection (b), the gross retail income~~
 21 ~~requirements of this section apply to the transferred permit.~~
- 22 (e) This subsection applies to a retailer's permit with carryout
 23 privileges that was initially:
 24 (1) issued; or
 25 (2) transferred to the premises location;
 26 after October 31, 2016, and before May 15, 2017. Notwithstanding
 27 IC 7.1-3-1-1.5, a retailer permittee may continue to sell carryout after
 28 May 14, 2017, and is not required to comply with the gross retail
 29 income requirements until the retailer's permit is renewed. A retailer
 30 permittee may be issued a letter of extension, and subsequent renewals
 31 of the extension under IC 7.1-3-1-3.1 but the permit term may not be
 32 extended past April 1, 2018. A retailer permittee may continue to sell
 33 carryout while the extension is in effect. If the permit is transferred as
 34 to ownership or to a location that is not exempt under subsection (b),
 35 the gross retail income requirements of this section apply upon transfer
 36 of the permit.
- 37 (f) Except for a retailer permittee described in subsection (d), a
 38 retailer permittee that has carryout privileges must apply for renewal
 39 of the carryout privileges when applying for renewal of the retailer's
 40 permit. The retailer permittee must provide the commission with a
 41 financial statement with information that shows the dollar amounts and
 42 percentages of the retailer permittee's gross retail income that is



1 derived from sales of alcoholic beverages:

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

3 (2) for carryout;

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

6 (g) For subsequent applications for renewal, the commission may
7 allow a retailer permittee to submit to the commission an affidavit of
8 compliance that is signed by the permittee, or by a responsible officer
9 or partner, under the penalties of perjury, that states that the
10 requirements of subsection (c) continue to be met. If the commission
11 has reasonable grounds to doubt the truthfulness of an affidavit of
12 compliance, the commission may require the retailer permittee to
13 provide audited financial statements.

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

19 (i) An applicant:

20 (1) for a retailer's permit and carryout privileges that has not
21 opened for business; or

22 (2) for carryout privileges that:

23 (A) is the holder of a retailer's permit for an operating
24 business; and

25 (B) has had the previous application for carryout privileges or
26 renewal of carryout privileges denied by the commission;

27 must provide the commission with a verified certification stating that
28 the projected gross retail income from alcoholic beverage sales during
29 the business's first two (2) years of operations with carryout privileges
30 will meet the requirements of subsection (c). Not more than one
31 hundred eighty (180) days after the date the applicant begins or
32 resumes alcoholic beverage sales with carryout privileges, the applicant
33 shall provide a financial statement with sufficient information to show
34 that during the first one hundred twenty (120) days of business
35 operations with carryout privileges, sixty percent (60%) of the gross
36 retail income from all alcoholic beverage sales was derived from sales
37 of alcoholic beverages for consumption on the premises.

38 (j) The commission may:

39 (1) require that a financial statement submitted by an applicant
40 under this chapter be audited by a certified public accountant; and

41 (2) with the cooperation of the department of state revenue, verify
42 the information provided by the applicant.



1 (k) The information provided to the commission under this chapter
 2 regarding gross retail income is confidential information and may not
 3 be disclosed to the public under IC 5-14-3. However, the commission
 4 may disclose the information:

5 (1) to the department of state revenue to verify the accuracy of the
 6 amount of gross retail income from sales of alcoholic beverages;
 7 and

8 (2) in any administrative or judicial proceeding to revoke or
 9 suspend the holder's permit as a result of a discrepancy in the
 10 amount of gross retail income from sales of alcoholic beverages
 11 discovered by the department of state revenue.

12 (l) Notwithstanding IC 6-8.1-7-1 or any other law, in fulfilling its
 13 obligations under this section, the department of state revenue may
 14 provide confidential information to the commission. The commission
 15 shall maintain the confidentiality of information provided by the
 16 department of state revenue under this chapter. However, the
 17 commission may disclose the information in any administrative or
 18 judicial proceeding to revoke or suspend the holder's permit as a result
 19 of any information provided by the department of state revenue.

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

25 SECTION 34. IC 7.1-3-20-9.6, AS ADDED BY P.L.270-2017,
 26 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 9.6. (a) This section applies only to a restaurant
 28 that has a wine retailer's permit, regardless of whether the permittee
 29 sells alcoholic beverages for carryout.

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

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

37 (2) The permittee:

38 (A) reseals the bottle; and

39 (B) places the resealed bottle of wine in a bag or other
 40 container that is secured in such a manner that it is visibly
 41 apparent if the bag or other container is subsequently opened
 42 or tampered with.



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

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

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

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

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

18 (c) Except as provided in section 16.3 of this chapter, the
19 commission may issue a three-way, two-way, or one-way permit to sell
20 alcoholic beverages for on-premises consumption only to an applicant
21 who is the proprietor, as owner or lessee, or both, of a restaurant within
22 a redevelopment project consisting of a building or group of buildings
23 that:

- 24 (1) was formerly used as part of a union railway station;
25 (2) has been listed in or is within a district that has been listed in
26 the federal National Register of Historic Places maintained
27 pursuant to the National Historic Preservation Act of 1966, as
28 amended; and
29 (3) has been redeveloped or renovated, with the redevelopment or
30 renovation being funded in part with grants from the federal,
31 state, or local government.

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

34 (d) Subject to section 16.1 of this chapter and except as provided in
35 section 16.3 of this chapter, the commission may issue a three-way,
36 two-way, or one-way permit to sell alcoholic beverages for on-premises
37 consumption only to an applicant who is the proprietor, as owner or
38 lessee, or both, of a restaurant:

- 39 (1) on land; or
40 (2) in a historic river vessel;

41 within a municipal riverfront development project funded in part with
42 state and city money. The ownership of a permit issued under this



1 subsection and the location for which the permit was issued may not be
 2 transferred. The legislative body of the municipality in which the
 3 municipal riverfront development project is located shall recommend
 4 to the commission sites that are eligible to be permit premises. The
 5 commission shall consider, but is not required to follow, the municipal
 6 legislative body's recommendation in issuing a permit under this
 7 subsection. A permit holder and any lessee or proprietor of the permit
 8 premises are subject to the formal written commitment required under
 9 IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if
 10 business operations cease at the permit premises for more than six (6)
 11 months, the permit shall revert to the commission. The permit holder
 12 is not entitled to any refund or other compensation.

13 (e) Except as provided in section 16.3 of this chapter, the
 14 commission may issue a three-way, two-way, or one-way permit to sell
 15 alcoholic beverages for on-premises consumption only to an applicant
 16 who is the proprietor, as owner or lessee, or both, of a restaurant within
 17 a renovation project consisting of a building that:

- 18 (1) was formerly used as part of a passenger and freight railway
 19 station; and
- 20 (2) was built before 1900.

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

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

- 27 (1) A town that:
 - 28 (A) is located in a county having a population of more than
 29 four hundred thousand (400,000) but less than seven hundred
 30 thousand (700,000); and
 - 31 (B) has a population of more than twenty thousand (20,000)
 32 but less than twenty-three thousand seven hundred (23,700).
- 33 (2) A city that has an indoor theater as described in section 26 of
 34 this chapter.

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

- 42 (1) The district has been listed in the National Register of Historic



1 Places maintained under the National Historic Preservation Act
2 of 1966, as amended.

3 (2) A county courthouse is located within the district.

4 (3) A historic opera house listed on the National Register of
5 Historic Places is located within the district.

6 (4) A historic jail and sheriff's house listed on the National
7 Register of Historic Places is located within the district.

8 The legislative body of the municipality in which the district is located
9 shall recommend to the commission sites that are eligible to be permit
10 premises. The commission shall consider, but is not required to follow,
11 the municipal legislative body's recommendation in issuing a permit
12 under this subsection. An applicant is not eligible for a permit if, less
13 than two (2) years before the date of the application, the applicant sold
14 a retailer's permit that was subject to IC 7.1-3-22 and that was for
15 premises located within the district described in this section or within
16 seven hundred (700) feet of the district. The ownership of a permit
17 issued under this subsection and the location for which the permit was
18 issued shall not be transferred. A permit holder and any lessee or
19 proprietor of the permit premises is subject to the formal written
20 commitment required under IC 7.1-3-19-17. Notwithstanding
21 IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if business operations cease at the
22 permit premises for more than six (6) months, the permit shall revert
23 to the commission. The permit holder is not entitled to any refund or
24 other compensation. The total number of active permits issued under
25 this subsection may not exceed ten (10) at any time. The cost of an
26 initial permit issued under this subsection is six thousand dollars
27 (\$6,000).

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

33 (1) a town with a population of more than twenty thousand
34 (20,000); or

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

37 located in a county having a population of more than one hundred ten
38 thousand (110,000) but less than one hundred eleven thousand
39 (111,000). The commission may issue not more than five (5) licenses
40 under this section to premises within a municipality described in
41 subdivision (1) and not more than five (5) licenses to premises within
42 a municipality described in subdivision (2). The commission shall



1 conduct an auction of the permits under IC 7.1-3-22-9, except that the
 2 auction may be conducted at any time as determined by the
 3 commission. Notwithstanding any other law, the minimum bid for an
 4 initial license under this subsection is thirty-five thousand dollars
 5 (\$35,000), and the renewal fee for a license under this subsection is one
 6 thousand three hundred fifty dollars (\$1,350). Before the district
 7 expires, a permit issued under this subsection may not be transferred.
 8 After the district expires, a permit issued under this subsection may be
 9 renewed, and the ownership of the permit may be transferred, but the
 10 permit may not be transferred from the permit premises.

11 (i) After June 30, 2006, and except as provided in section 16.3 of
 12 this chapter, the commission may issue not more than five (5) new
 13 three-way, two-way, or one-way permits to sell alcoholic beverages for
 14 on-premises consumption to applicants, each of whom must be the
 15 proprietor, as owner or lessee, or both, of a restaurant located within a
 16 district, or not more than five hundred (500) feet from a district, that
 17 meets all of the following requirements:

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

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

23 (3) An international deep water seaport is located within the
 24 district.

25 An applicant is not eligible for a permit under this subsection if, less
 26 than two (2) years before the date of the application, the applicant sold
 27 a retailers' permit that was subject to IC 7.1-3-22 and that was for
 28 premises located within the district described in this subsection or
 29 within five hundred (500) feet of the district. A permit issued under this
 30 subsection may not be transferred. If the commission issues five (5)
 31 new permits under this subsection, and a permit issued under this
 32 subsection is later revoked or is not renewed, the commission may
 33 issue another new permit, as long as the total number of active permits
 34 issued under this subsection does not exceed five (5) at any time. The
 35 commission shall conduct an auction of the permits under
 36 IC 7.1-3-22-9, except that the auction may be conducted at any time as
 37 determined by the commission.

38 (j) Subject to section 16.2 of this chapter and except as provided in
 39 section 16.3 of this chapter, the commission may issue not more than
 40 six (6) new three-way, two-way, or one-way permits to sell alcoholic
 41 beverages for on-premises consumption only to an applicant who is the
 42 proprietor, as owner or lessee, or both, of a restaurant on land within a



1 municipal lakefront development project funded in part with state,
 2 local, and federal money. A permit issued under this subsection may
 3 not be transferred. If the commission issues six (6) new permits under
 4 this subsection, and a permit issued under this subsection is later
 5 revoked or is not renewed, the commission may issue another new
 6 permit, as long as the total number of active permits issued under this
 7 subsection does not exceed six (6) at any time. The commission shall
 8 conduct an auction of the permits under IC 7.1-3-22-9, except that the
 9 auction may be conducted at any time as determined by the
 10 commission. Notwithstanding any other law, the minimum bid for an
 11 initial permit under this subsection is ten thousand dollars (\$10,000).

12 (k) Except as provided in section 16.3 of this chapter, the
 13 commission may issue not more than nine (9) new three-way permits
 14 to sell alcoholic beverages for on-premises consumption to applicants,
 15 each of whom must be a proprietor, as owner or lessee, or both, of a
 16 restaurant located:

- 17 (1) within a motorsports investment district (as defined in
 18 IC 5-1-17.5-11); or
- 19 (2) not more than one thousand five hundred (1,500) feet from a
 20 motorsports investment district.

21 The ownership of a permit issued under this subsection and the location
 22 for which the permit was issued shall not be transferred. If the
 23 commission issues nine (9) new permits under this subsection, and a
 24 permit issued under this subsection is later revoked or is not renewed,
 25 the commission may issue another new permit, as long as the total
 26 number of active permits issued under this subsection does not exceed
 27 nine (9) at any time. A permit holder and any lessee or proprietor of the
 28 permit premises are subject to the formal written commitment required
 29 under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 **and**
 30 **IC 7.1-3-1.1**, if business operations cease at the permit premises for
 31 more than six (6) months, the permit shall revert to the commission.
 32 The permit holder is not entitled to any refund or other compensation.

33 (l) Except as provided in section 16.3 of this chapter, the
 34 commission may issue not more than two (2) new three-way permits to
 35 sell alcoholic beverages for on-premises consumption for premises
 36 located within a qualified motorsports facility (as defined in
 37 IC 5-1-17.5-14). The ownership of a permit issued under this
 38 subsection and the location for which the permit was issued shall not
 39 be transferred. If the commission issues two (2) new permits under this
 40 subsection, and a permit issued under this subsection is later revoked
 41 or is not renewed, the commission may issue another new permit, as
 42 long as the total number of active permits issued under this subsection



1 does not exceed two (2) at any time. A permit holder and any lessee or
 2 proprietor of the permit premises are subject to the formal written
 3 commitment required under IC 7.1-3-19-17. Notwithstanding
 4 IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if business operations cease at the
 5 permit premises for more than six (6) months, the permit shall revert
 6 to the commission. The permit holder is not entitled to any refund or
 7 other compensation.

8 SECTION 36. IC 7.1-3-20-16.8, AS ADDED BY P.L.214-2016,
 9 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 16.8. (a) A permit that is authorized by this
 11 section may be issued without regard to the quota provisions of
 12 IC 7.1-3-22.

13 (b) Except as provided in section 16.3 of this chapter, the
 14 commission may issue not more than four (4) new three-way permits
 15 to sell alcoholic beverages for on-premises consumption to applicants
 16 in each of the following municipalities:

- 17 (1) Whitestown.
- 18 (2) Lebanon.
- 19 (3) Zionsville.
- 20 (4) Westfield.
- 21 (5) Carmel.
- 22 (6) Fishers.

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

24 (1) An applicant for a permit under this section must be a
 25 proprietor, as owner or lessee, or both, of a restaurant located
 26 within an economic development area, an area needing
 27 redevelopment, or a redevelopment district as established under
 28 IC 36-7-14 in a municipality's:

- 29 (A) downtown redevelopment district; or
- 30 (B) downtown economic revitalization area.

31 (2) The cost of an initial permit is forty thousand dollars
 32 (\$40,000).

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

40 (4) The municipality may adopt an ordinance under
 41 IC 7.1-3-19-17 requiring a permit holder to enter into a formal
 42 written commitment as a condition of eligibility for a permit. As



1 set forth in IC 7.1-3-19-17(b), a formal written commitment is
 2 binding on the permit holder and on any lessee or proprietor of
 3 the permit premises.

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

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

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

12 (8) If the area in which the permit premises is located is no longer
 13 designated an economic development area, an area needing
 14 redevelopment, or a redevelopment district, a permit issued under
 15 this section may be renewed, and the ownership of the permit may
 16 be transferred, but the permit may not be transferred from the
 17 permit premises.

18 SECTION 37. IC 7.1-3-20-16.9 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2019]: **Sec. 16.9. (a) As used in this section,**
 21 **"entertainment revitalization area" means a designated area that**
 22 **includes or will include any combination of the following:**

- 23 (1) Hotels.
- 24 (2) Restaurants.
- 25 (3) Retail sales establishments.
- 26 (4) Museums.
- 27 (5) Performing arts theaters.
- 28 (6) Motion picture theaters.
- 29 (7) Convention facilities.
- 30 (8) Sports facilities.
- 31 (9) Entertainment complexes.

32 (b) A municipality may designate not more than one (1)
 33 entertainment revitalization area. However, as long as the
 34 municipality has a riverfront development project district under
 35 sections 16 and 16.1 of this chapter, the municipality may not
 36 designate an entertainment revitalization area. To designate an
 37 entertainment revitalization area, the municipality must adopt an
 38 ordinance that does the following:

- 39 (1) Describes the boundaries of the proposed entertainment
 40 revitalization area, which must be located completely within:
 41 (A) the municipality; and
 42 (B) an area or district established by the municipality



- 1 under IC 36-7-13-12.1, IC 36-7-14, IC 36-7-15.1,
2 IC 36-7-15.2, or IC 36-7-26.
- 3 (2) Authorizes an increase in the municipality's retailer
4 permit quota to one (1) permit per one thousand one hundred
5 twenty-five (1,125) persons or fraction thereof, subject to the
6 approval of the voters of the municipality in a public question.
- 7 (c) If an ordinance is adopted under subsection (b), a public
8 question shall be placed on the ballot in all of the precincts that are
9 located in the municipality in substantially the following form:
10 (Insert a brief description of the boundaries of the proposed
11 entertainment revitalization area and the number of additional
12 restaurant permits that may be issued within the entertainment
13 revitalization area if the public question is approved.)
14 "Shall _____ (insert name of municipality) increase the
15 number of alcoholic beverage permits for restaurants in
16 (insert name of municipality) to 1 permit for each 1,125
17 persons or fraction thereof, which would enable the alcohol
18 and tobacco commission to issue (insert number) new
19 restaurant permits within the proposed entertainment
20 revitalization area?".
- 21 (d) The county election board shall place the public question on
22 the ballot in accordance with IC 3-10-9 at the next regularly
23 scheduled general or municipal election that will occur in the
24 municipality. The clerk of the circuit court of a county holding an
25 election under this chapter shall certify the results to the
26 commission and the legislative body of the municipality.
- 27 (e) If at least fifty-one percent (51%) of the voters voting on the
28 public question vote "yes", the following occurs:
29 (1) The municipality's permit quota is increased as set forth
30 in subsection (b)(2).
31 (2) Any additional retailer's permits issued as a result of an
32 increase in quota under this section must be:
33 (A) three-way permits; and
34 (B) issued to premises located within the boundaries of the
35 proposed entertainment revitalization area designated in
36 the ordinance.
- 37 (f) The following apply to a permit issued under this section:
38 (1) The permit is subject to the quota.
39 (2) Notwithstanding any other law, the permit premises may
40 not sell alcoholic beverages for consumption off the licensed
41 premises.
42 (3) The permit may not be transferred to premises located



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



1 only in an outdoor beer garden that:

- 2 (1) has a bar;
 3 (2) is accessible only through the permit premises; and
 4 (3) is a defined area that is enclosed by:
 5 (A) the outside walls of the permit premises; or
 6 (B) a nontransparent wall that is at least seventy-two (72)
 7 inches in height.

8 SECTION 40. IC 7.1-3-20-29 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) As used in this section,
 11 "food hall" means the premises:

- 12 (1) located within a retail shopping and food service district;
 13 and
 14 (2) to which a master permit is issued under this section.

15 (b) As used in this section, "master permit" means a food hall
 16 master permit issued under this section.

17 (c) The commission may issue a master permit, which is a
 18 three-way retailer's permit for on premises consumption, to a food
 19 hall located in a retail shopping and food service district that meets
 20 the following requirements:

- 21 (1) The district consists of an area that:
 22 (A) has been redeveloped, renovated, or environmentally
 23 remediated in part with grants from the federal, state, or
 24 local government under IC 36-7-11; and
 25 (B) is entirely located within an incorporated city or town.
 26 (2) The district consists of land and a building or group of
 27 buildings that are part of a common development.
 28 (3) The district is located within a locally designated historic
 29 district under IC 36-7-11 established by a city or town
 30 ordinance.

- 31 (4) The district contains at least one (1) building that:
 32 (A) is on the list of the National Register for Historic Places
 33 or qualifies as a historic building worthy of preservation
 34 under IC 36-7-11; and
 35 (B) has been approved for present commercial use by the
 36 local historic preservation commission of the city or town.

37 (d) The commission may issue a master permit to the owner or
 38 developer of a food hall. The food hall constitutes a single permit
 39 premises that:

- 40 (1) contains not less than seven (7) distinct, nonaffiliated retail
 41 food and beverage vendors, each of which may apply for a
 42 food hall vendor permit under section 30 of this chapter; and



- 1 (2) has a seating capacity of the type traditionally designed for
2 food and drink for at least one hundred (100) people.
- 3 (e) An applicant for a master permit shall post notice and
4 appear in front of the local board in which the permit premises is
5 situated. The local board shall determine the eligibility of the
6 applicant under this section and hear evidence in support of or
7 against the master permit location. A master permit may not be
8 transferred to a location outside the food hall permit premises. A
9 permit that is inactive for more than six (6) months shall revert
10 back to the commission or may be deposited with the commission
11 under IC 7.1-3-1.1 with the commission's permission.
- 12 (f) A master permit authorized by this section may be issued
13 without regard to the proximity provisions of IC 7.1-3-21-11 or the
14 quota provisions of IC 7.1-3-22.
- 15 SECTION 41. IC 7.1-3-20-30 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) The definitions in
18 section 29 of this chapter apply to this section.
- 19 (b) As used in this section, "vendor's permit" means a food hall
20 vendor's permit issued to an individual vendor operating within
21 the premises of a food hall for which a master permit is issued
22 under section 29 of this chapter.
- 23 (c) The commission may issue a one-, two-, or three-way
24 retailer's permit for on-premises consumption only to an applicant
25 for a vendor's permit that has been approved by the commission to
26 operate within a food hall. Each vendor that sells alcoholic
27 beverages within the food hall must obtain a vendor's permit.
- 28 (d) Each vendor permittee must satisfy the following
29 requirements:
- 30 (1) Each vendor permittee shall:
- 31 (A) maintain the vendor permittee's own retail merchant's
32 certificate; and
- 33 (B) be responsible for the payment of the vendor
34 permittee's own state gross retail taxes under IC 6-2.5 and
35 withholding taxes required to be remitted IC 6-3-4.
- 36 (2) Each vendor permittee shall conform to all health and
37 safety requirements of local and state agencies.
- 38 (3) Each vendor permittee shall comply with all requirements
39 under IC 7.1-5-9-15.
- 40 (4) Each vendor permittee shall comply with IC 7.1-5-10-20
41 with regard to the vendor permittee's own food and beverage
42 vending space. However, IC 7.1-5-10-20 does not prohibit a



1 vendor permittee from establishing sale prices for drinks that
 2 are different from the sale prices for comparable drinks that
 3 are set by other vendor permittees.

4 (5) Each vendor permittee is not required to comply with
 5 section 9(b) of this chapter.

6 (6) Each vendor permittee is responsible to the commission
 7 for any and all violations of alcohol laws and rules associated
 8 with the vendor's permit.

9 (7) Each applicant for a vendor's permit must comply with
 10 905 IAC 1-36-1 and 905 IAC 1-36-2 and appear before the
 11 local alcohol board in the county in which the food hall
 12 vendor's permit will be situated. The local board shall only
 13 hear evidence on and determine the vendor's permit
 14 applicant's eligibility to hold a vendor's permit.

15 (8) Any vendor permittee that desires to relocate its food and
 16 beverage space within the food hall premises may relocate
 17 upon the commission's approval of a floor plan change.

18 (e) A vendor's permit authorized by this section may be issued
 19 without regard to the proximity provisions of IC 7.1-3-21-11 or the
 20 quota provisions of IC 7.1-3-22.

21 (f) A vendor's permit may not be transferred to a location
 22 outside the permit premises of the food hall. A vendor's permit that
 23 is inactive for more than six (6) months shall revert back to the
 24 commission or may be deposited with the commission subject to
 25 the approval of the commission.

26 SECTION 42. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015,
 27 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2019]: Sec. 11. (a) **This section does not apply to premises
 29 for which a permit was issued for the premises under the
 30 provisions of Acts 1933, Chapter 80.**

31 ~~(a)~~ (b) As used in this section, "wall" means a wall of a building.
 32 The term does not include a boundary wall.

33 ~~(b)~~ (c) Except as provided in subsections ~~(c)~~ (d) and ~~(g)~~ (h) and
 34 **section 11.5 of this chapter**, the commission may not issue a permit
 35 for a premises if a wall of the premises is situated within two hundred
 36 (200) feet from a wall of a school or church. ~~if no permit has been
 37 issued for the premises under the provisions of Acts 1933, Chapter 80.~~

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

39 (1) grocery store, drug store, restaurant, hotel, catering hall, or
 40 location for which the use of a supplemental catering permit has
 41 been approved if:

42 (A) a wall of the premises is situated within two hundred (200)



- 1 feet from a wall of a church or school;
- 2 (B) the commission receives a written statement from the
- 3 authorized representative of the church or school stating
- 4 expressly that the church or school does not object to the
- 5 issuance of the permit for the premises; and
- 6 (C) the commission determines that the church or school does
- 7 not object to the issuance of the permit for the premises; ~~or~~
- 8 **(2) retailer under section 11.5 of this chapter; or**
- 9 ~~(2)~~ **(3) church or school that applies for a temporary beer or wine**
- 10 **permit.**
- 11 ~~(d)~~ **(e)** The commission shall base its determination under
- 12 subsection ~~(e)(1)(C)~~ **(d)(1)(C)** solely on the written statement of the
- 13 authorized representative of the church or school.
- 14 ~~(e)~~ **(f)** If the commission does not receive the written statement of
- 15 the authorized representative of the church or school, the premises of
- 16 the grocery store, drug store, restaurant, hotel, catering hall, or location
- 17 for which the use of a supplemental catering permit has been approved
- 18 may not obtain the waiver allowed under this section.
- 19 ~~(f)~~ **(g)** If the commission determines that the church or school does
- 20 not object, this section and IC 7.1-3-21-10 do not apply to the permit
- 21 premises of the grocery store, drug store, restaurant, hotel, or catering
- 22 hall on a subsequent renewal or transfer of ownership.
- 23 ~~(g)~~ **(h)** If the commission:
- 24 (1) receives a written statement from the authorized
- 25 representative of a church or school as described in subsection
- 26 ~~(e)(1)(B)~~; **(d)(1)(B)**; and
- 27 (2) determines the church or school does not object as described
- 28 in subsection ~~(e)(1)(C)~~; **(d)(1)(C)**;
- 29 the commission may not consider subsequent objections from the
- 30 church or school to the issuance of the same permit type at the same
- 31 premises location.
- 32 SECTION 43. IC 7.1-3-21-11.5 IS ADDED TO THE INDIANA
- 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2019]: **Sec. 11.5. (a) As used in this section,**
- 35 **"permit" means a retailer's permit.**
- 36 **(b) The following permits that are issued for premises located**
- 37 **within two hundred (200) feet of the wall of a church are not**
- 38 **subject to section 11 of this chapter:**
- 39 **(1) A permit described in section 11(a) of this chapter.**
- 40 **(2) A permit issued before the church occupies the location.**
- 41 **(3) A permit issued in an area where at least one (1) other**
- 42 **permit described in subdivision (1) or subdivision (2) is:**



- 1 (A) active; and
 2 (B) issued for premises located within two hundred (200)
 3 feet of a wall of the same church.
 4 (c) A permit issued under subsection (b)(3) remains exempt
 5 from section 11 of this chapter if:
 6 (1) there are no permits described in subsection (b)(1) or
 7 (b)(2) that are active; and
 8 (2) the permit issued under subsection (b)(3) does not change
 9 locations.
 10 SECTION 44. IC 7.1-3-21-14, AS AMENDED BY P.L.28-2014,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 14. (a) The commission shall issue a permit for
 13 the sale of alcoholic beverages on the Indiana state fair grounds to the
 14 Indiana state fair commission.
 15 (b) The **following applies to a** holder of a permit under this section:
 16 is
 17 (1) **A permit holder is** entitled to sell alcoholic beverages on the
 18 state fair grounds to consumers by the glass.
 19 (2) **A permit holder that is a brewery under IC 7.1-3-2-7(5), a**
 20 **farm winery under IC 7.1-3-12, or an artisan distillery under**
 21 **IC 7.1-3-27 may sell alcoholic beverages produced by the**
 22 **permit holder for consumption off the state fair grounds, in**
 23 **addition to selling alcoholic beverages by the glass.**
 24 ~~(3)~~ (3) **A permit holder is** entitled to permit multiple vendors of
 25 the state fair commission with separate permits at different
 26 locations on the state fair grounds to sell alcoholic beverages by
 27 the glass under the permit.
 28 ~~(4)~~ (4) **A permit holder is** entitled to receive the permit directly
 29 from the commission without local board approval.
 30 ~~(5)~~ (5) **A permit holder is** not subject to quota restrictions under
 31 IC 7.1-3-22-3. ~~and~~
 32 ~~(6)~~ (6) **A permit holder is** entitled to allow a minor to be present
 33 in the places where alcoholic beverages are sold.
 34 (c) The holder of a permit under this section must comply with the
 35 following requirements:
 36 (1) File a floor plan of the premises where alcoholic beverages
 37 will be served and consumed.
 38 (2) Provide that service of alcoholic beverages may be performed
 39 only by servers certified under IC 7.1-3-1.5.
 40 (3) Allow sales during the times prescribed under IC 7.1-3-1-14.
 41 (4) Prohibit sales prohibited under IC 7.1-5-10-1.
 42 (5) Operate under rules adopted by the commission to protect the



- 1 public interest under IC 7.1-1-1.
- 2 SECTION 45. IC 7.1-3-22-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) **Except as**
- 4 **provided in IC 7.1-3-20-16.9**, the commission may grant only one (1)
- 5 three-way permit, one (1) two-way permit, and one (1) one-way permit
- 6 in an incorporated city or town or in an unincorporated town for each
- 7 one thousand five hundred (1,500) persons, or fraction thereof, residing
- 8 within the incorporated city or town or the unincorporated town. The
- 9 commission shall include liquor retailer permits issued to clubs, but not
- 10 those issued to fraternal clubs, in its quota computation when it is
- 11 considering an application for a new liquor retailer's permit.
- 12 (b) This subsection applies when a city or town annexes into the city
- 13 or town unincorporated territory where a retailer's permit has been
- 14 granted before the annexation. The commission may only reclassify a
- 15 retailer's permit for a premises in the former unincorporated territory
- 16 as a permit for a premises in an incorporated city or town if the
- 17 permittee has actually conducted a business of selling alcoholic
- 18 beverages to customers for consumption on the licensed premises for
- 19 two (2) consecutive years. The period of two (2) consecutive years may
- 20 begin to run either before or after the annexation occurs. However, the
- 21 following apply when a person applies for a retailer's permit after
- 22 notice of an annexation hearing is made under IC 36-4-3-2.1 and before
- 23 the annexation occurs:
- 24 (1) The commission may grant the permit.
- 25 (2) The commission may not reclassify the permit as a permit for
- 26 a premises in an incorporated city or town.
- 27 (3) The permit may be transferred to another person.
- 28 (4) The permit may not be transferred to another location.
- 29 SECTION 46. IC 7.1-3-22-9 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) This section
- 31 applies to any permit that is subject to the quota provisions of this
- 32 chapter unless ~~that~~ the permit is obtained by sale, assignment, or
- 33 transfer under IC 7.1-3-24.
- 34 (b) Whenever a permit to which this chapter applies becomes
- 35 available, the commission shall offer an opportunity to bid for that
- 36 permit to all persons who are qualified to receive that permit and who
- 37 have indicated a desire to obtain that permit. The commission shall
- 38 receive bids at an auction that it conducts. The highest bidder at the
- 39 commission's auction who is qualified to receive the permit in all
- 40 respects, including a determination by the local board that the person:
- 41 (1) ~~is of good moral character and does not have a conviction~~
- 42 **described in IC 7.1-3-4-2(a)(3) that has not been expunged**



- 1 **under IC 35-38-9; and**
 2 **(2) is of** good repute in the community in which that person
 3 resides;
 4 is entitled to receive the permit. This bidder shall pay the amount of the
 5 bid at the time the permit is issued as a special fee for initial issuance
 6 of the permit.
 7 (c) The special fee for initial issuance of a permit that is prescribed
 8 by this section is in addition to any other fees imposed by this title.
 9 (d) All fee revenues collected under this section are subject to
 10 IC 7.1-4-7-4.
 11 (e) The commission shall adopt rules under IC 4-22-2 to implement
 12 this section.
 13 SECTION 47. IC 7.1-3-23-44, AS AMENDED BY P.L.150-2018,
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 44. (a) As used in this section, "bureau" refers to
 16 the child support bureau of the department of child services established
 17 by IC 31-25-3-1.
 18 (b) As used in this section, "delinquent" has the meaning set forth
 19 in IC 4-35-2-3.5.
 20 (c) Upon receiving an order from the bureau (Title IV-D agency)
 21 under IC 31-25-4-32(k) or IC 31-25-4-34(f), the commission shall
 22 place on probationary status any permit issued under
 23 IC 7.1-3-18-9(a)(3) **(before July 1, 2020) or IC 7.1-3-18-9(b)(4)**
 24 **(after June 30, 2021)** and held by the person who is the subject of the
 25 order. The commission shall send the person a notice that does the
 26 following:
 27 (1) States that the person's permit has been placed on probationary
 28 status.
 29 (2) States that the person's permit will be suspended if the
 30 commission has not received notice from the bureau under
 31 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days
 32 after the date of the notice.
 33 (3) Describes the amount of child support that the person is in
 34 arrears.
 35 (4) Explains the procedures to:
 36 (A) pay the person's child support arrearage in full; and
 37 (B) establish a payment plan with the bureau to pay the
 38 arrearage, which must include an income withholding order
 39 under IC 31-16-15-2 or IC 31-16-15-2.5.
 40 (d) If the commission has not received notice from the bureau under
 41 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the
 42 date of the notice in subsection (c), the commission shall suspend the



1 permit issued to the person under IC 7.1-3-18-9(a)(3) **(before July 1,**
 2 **2021) or IC 7.1-3-18-9(b)(4) (after June 30, 2021).**

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

7 SECTION 48. IC 7.1-3-24-3.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2019]: **Sec. 3.5. (a) A person purchasing an**
 10 **existing permit from another permit holder must submit an**
 11 **executed purchase agreement to the commission as part of the**
 12 **applicant's request to transfer the ownership of the permit. The**
 13 **purchase agreement must include the following:**

14 (1) **The agreement must be signed by the applicant and the**
 15 **current permit holder.**

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

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

21 (B) **If the personal property and real property are being**
 22 **purchased by different persons, the purchase agreement**
 23 **must identify the persons purchasing each item of personal**
 24 **property and real property.**

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

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

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

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

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

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

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

38 SECTION 49. IC 7.1-3-27-6, AS AMENDED BY P.L.79-2015,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: **Sec. 6. (a) A holder of an artisan distiller's permit may**
 41 **also hold one (1) or more of one (1) of the following:**

42 (1) ~~A Farm winery permit.~~ **permits.**



1 (2) ~~A~~ Brewer's ~~permit~~ **permits** issued under IC 7.1-3-2-2(b).

2 (3) ~~A~~ Distiller's ~~permit~~ **permits** under IC 7.1-3-7.

3 (b) A holder of an artisan distiller's permit who also holds a permit
4 described under subsection (a)(2) may hold a beer retailer's permit, a
5 wine retailer's permit, or a liquor retailer's permit for a restaurant as
6 described in IC 7.1-3-2-7(5)(C).

7 SECTION 50. IC 7.1-3-27-8.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2019]: **Sec. 8.5. (a) This section applies if:**

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

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

13 (B) **a brewer's permit under IC 7.1-3-2-7(5); and**

14 (2) **the artisan distillery and the brewery or farm winery**
15 **production facility occupy the same building.**

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

19 (1) **manufactured at the two (2) production facilities; and**

20 (2) **from a single bar.**

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

25 (c) **This section does not exempt a person to which this section**
26 **applies from complying with permit restrictions affecting the sales**
27 **and service of each alcoholic beverage produced by the two (2)**
28 **production facilities. If the law applicable to one (1) of the permits**
29 **under subsection (a)(2) that the person has an interest in is more**
30 **prohibitive or restrictive regarding the presence of a minor in the**
31 **bar area of the licensed premises than the law applicable to the**
32 **other premises under subsection (a)(2) that the person has an**
33 **interest in, the more prohibitive or restrictive law applies to the**
34 **single bar area.**

35 SECTION 51. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
36 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2019]:

38 **Chapter 28. Salon Permit**

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

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



1 applicant for a salon permit.

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

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

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

13 Sec. 5. A holder of a salon permit is subject to the following
14 requirements:

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

17 (2) The proprietor and any employee who serves wine or beer
18 must:

19 (A) have successfully completed a server program or
20 trainer program under IC 7.1-3-1.5; and

21 (B) have an employee permit under IC 7.1-3-18-9.

22 (3) A customer offered or served wine or beer must be at least
23 twenty-one (21) years of age.

24 (4) A customer may not be served more than two (2) six (6)
25 ounce glasses of wine or two (2) twelve (12) ounce glasses of
26 beer per day.

27 (5) The permit holder may not advertise the service of
28 complimentary wine or beer.

29 (6) The permit holder may provide service of wine or beer
30 only during the times that a retailer is permitted to serve
31 alcoholic beverages by the glass under IC 7.1-3-1-14.

32 (7) Each applicant for a salon permit must appear before the
33 local alcohol board in the county in which the salon permit
34 will be situated.

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

38 Sec. 7. The holder of a salon permit must furnish the minimum
39 food requirements prescribed by the commission.

40 SECTION 52. IC 7.1-3-29 IS ADDED TO THE INDIANA CODE
41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1 2019]:



1 **Chapter 29. College Stadiums**

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

5 **Sec. 2. (a) A stadium may:**

6 (1) **submit a floor plan of proposed storage locations to the**
 7 **commission for approval; and**

8 (2) **indicate the primary concessionaire operating at the**
 9 **stadium;**

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

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

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

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

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

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

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

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

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

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

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

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

40 (1) **a letter of extension; and**

41 (2) **each renewal of a letter of extension;**

42 **is ~~fifty two hundred~~ dollars (~~\$50~~) (\$200) if the need for the letter of**



1 extension, or renewal, is occasioned by the act or omission of the
 2 permittee. The commission shall waive the fee for a letter of extension,
 3 and a renewal, if the need for the letter of extension, or renewal, is
 4 occasioned by the act or omission of the commission, a local board, or
 5 a third party unrelated to the permittee involved and not employed by
 6 the permittee or under the control of the permittee.

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

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

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

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

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

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

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



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



1 two hundred fifty dollars (\$250) per year. The commission shall
 2 deposit all fees collected under this section into the enforcement
 3 and administration fund established under IC 7.1-4-10.

4 SECTION 59. IC 7.1-4-4.1-20 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) The initial fee for a
 7 food hall master permit is fifty thousand dollars (\$50,000).

8 (b) The annual renewal fee for a food hall master permit is five
 9 thousand dollars (\$5,000).

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

13 SECTION 60. IC 7.1-4-4.1-21 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) The initial application
 16 fee for a food hall vendor's permit is as follows:

17 (1) For a vending space that is less than one thousand (1,000)
 18 square feet, the cost of an initial permit is two thousand five
 19 hundred dollars (\$2,500).

20 (2) For a vending space that is at least one thousand (1,000)
 21 square feet but not more than two thousand (2,000) square
 22 feet, the cost of an initial permit fee is five thousand dollars
 23 (\$5,000).

24 (b) The annual renewal fee for a food hall vendor's permit
 25 under subsection (a) is one thousand dollars (\$1,000). The
 26 commission shall deposit all fees collected for a food hall vendor's
 27 permit under subsection (a) and this subsection into the
 28 enforcement and administration fund established under
 29 IC 7.1-4-10.

30 (c) If a vending space is more than two thousand (2,000) square
 31 feet, a vendor must purchase a one-way, two-way, or three-way
 32 permit, subject to:

33 (1) availability under IC 7.1-3-22; and

34 (2) the annual renewal fees under section 9 of this chapter.

35 SECTION 61. IC 7.1-4-5 IS REPEALED [EFFECTIVE JULY 1,
 36 2019]. (Malt Excise Tax).

37 SECTION 62. IC 7.1-4-7-4, AS AMENDED BY P.L.224-2005,
 38 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (b), The
 40 chairman and the department shall deposit the money collected under
 41 sections 1, 2, and 3 of this chapter, IC 7.1-2-5-3, IC 7.1-2-5-8,
 42 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



1 with the treasurer of state, and not later than the fifth day of the
2 following month shall cover

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

6 ~~(2) sixty-six percent (66%) of the money collected under section~~
7 ~~1 of this chapter and money collected under sections 2 and 3 of~~
8 ~~this chapter into the state general fund for state general fund~~
9 ~~purposes.~~

10 (b) The chairman and the department shall deposit all money
11 collected under IC 7.1-2-5-3, IC 7.1-2-5-8, IC 7.1-3-17.5,
12 IC 7.1-3-17.7, IC 7.1-3-22-9, and IC 7.1-4-4.1-5 daily with the treasurer
13 of state, and not later than the fifth day of the following month shall
14 cover the money into the enforcement and administration fund
15 established under IC 7.1-4-10-1.

16 SECTION 63. IC 7.1-4-10-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. Use of Funds. The
18 monies in the enforcement and administration fund shall be used and
19 disbursed solely for the enforcement and administration of this title,
20 and for no other purpose. Any unexpended balance remaining in the
21 fund at the end of a fiscal year shall not lapse but **Money in the fund**
22 **at the end of a state fiscal year does not revert to the state general**
23 **fund, and** shall remain exclusively appropriated and available only for
24 the purpose of the enforcement and administration of this title.

25 SECTION 64. IC 7.1-5-6-3, AS AMENDED BY P.L.191-2018,
26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 3. (a) It is unlawful for a person to act as a clerk
28 in a package liquor store, or as a bartender, waiter, waitress, or manager
29 for a retailer permittee unless that person has applied for and been
30 issued the appropriate permit. This section does not apply to dining car
31 or boat employees, to a person described in IC 7.1-3-1.7, or to a person
32 described in ~~IC 7.1-3-18-9(d).~~ **IC 7.1-3-18-9(f).** A person who
33 knowingly or intentionally violates this subsection commits a Class B
34 misdemeanor.

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

39 (c) It is a defense to a charge under this section for a new applicant
40 for a permit if, not later than thirty (30) days after being cited by the
41 commission, the new applicant who was cited produces a receipt for a
42 cashier's check or money order showing that an application for the



1 appropriate permit was applied for on the date of the citation.

2 SECTION 65. IC 7.1-5-7-7, AS AMENDED BY P.L.159-2014,
3 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C
5 misdemeanor for a minor to knowingly:

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

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

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

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

22 SECTION 66. IC 7.1-5-7-8, AS AMENDED BY P.L.159-2014,
23 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2019]: Sec. 8. (a) It is a Class B misdemeanor for a person to:

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

- 29 (B) provide or arrange for the use of property;
30 for the purpose of allowing or enabling a minor to consume an
31 alcoholic beverage on the property.

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

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

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

40 ~~(c)~~ (d) This section shall not be construed to impose civil liability
41 upon any postsecondary educational institution, including public and
42 private universities and colleges, business schools, vocational schools,



1 and schools for continuing education, or its agents for injury to any
 2 person or property sustained in consequence of a violation of this
 3 section unless the institution or its agent:

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

6 (2) either:

7 (A) rents property; or

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

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

11 SECTION 67. IC 7.1-5-7-11, AS AMENDED BY P.L.270-2017,
 12 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 11. (a) The provisions of sections 9 and 10 of this
 14 chapter shall not apply if the public place involved is one (1) of the
 15 following:

16 (1) Civic center.

17 (2) Convention center.

18 (3) Sports arena.

19 (4) Bowling center.

20 (5) Bona fide club.

21 (6) Drug store.

22 (7) Grocery store.

23 (8) Boat.

24 (9) Dining car.

25 (10) Pullman car.

26 (11) Club car.

27 (12) Passenger airplane.

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

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

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

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

36 (17) Entertainment complex.

37 (18) Indoor golf facility.

38 (19) A recreational facility such as a golf course, bowling center,
 39 or similar facility that has the recreational activity and not the sale
 40 of food and beverages as the principal purpose or function of the
 41 person's business.

42 (20) A licensed premises owned or operated by a postsecondary



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



1 consumption of food and not the consumption of alcoholic
2 beverages.

3 SECTION 68. IC 7.1-5-7-15 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. A person
5 twenty-one (21) years of age or older who knowingly or intentionally
6 encourages, aids, or induces a minor to unlawfully possess an alcoholic
7 beverage commits a Class C infraction. **However, the offense is a**
8 **Class B infraction if the alcoholic beverage is liquor.**

9 SECTION 69. IC 7.1-5-8-4, AS AMENDED BY P.L.153-2015,
10 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2019]: Sec. 4. (a) It is a Class B misdemeanor for a person
12 who owns or operates a private or public restaurant or place of public
13 or private entertainment to knowingly or intentionally permit another
14 person to come into the establishment with an alcoholic beverage for
15 sale or gift, or for consumption in the establishment by that person or
16 another, or to serve a setup to a person who comes into the
17 establishment. However, the provisions of this section do not apply to
18 the following:

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

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

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

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

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

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

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

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

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

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

39 (A) in sealed bottles or cases; and

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

42 (2) a charity auction to which IC 7.1-3-6.2 applies, and the



1 alcoholic beverage brought into the establishment is:

2 (A) in sealed bottles or cases; and

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

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

8 SECTION 70. IC 7.1-5-8-4.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2019]: **Sec. 4.5. (a) This section applies only**
11 **to a wine retailer permittee.**

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

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

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

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

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

19 **while eating a meal prepared on the licensed premises and**
20 **served at the table.**

21 **(c) The permit holder may charge a corkage fee for each bottle**
22 **of wine that is brought into the licensed premises by a patron,**
23 **regardless of whether the permit holder actually opens the bottle**
24 **or serves the wine.**

25 SECTION 71. IC 7.1-5-8-4.6 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2019]: **Sec. 4.6. (a) As used in this section,**
28 **"art instruction studio" means any commercial establishment that**
29 **provides to its customers:**

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

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

33 **during a studio instructional session that is not conducted on a**
34 **licensed premises.**

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

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

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



- 1 (1) in a sealed bottle; and
 2 (2) only for consumption by:
 3 (A) the patron; and
 4 (B) persons in the company of the patron who are at least
 5 twenty-one (21) years of age;
 6 while receiving art instruction.

7 (e) The proprietor or an employee who is at least twenty-one
 8 (21) years of age may open and serve wine that is brought into the
 9 licensed premises by a patron. The proprietor may provide wine
 10 glasses and other barware for the use of patrons in opening and
 11 consuming wine brought into the art instruction studio. However,
 12 the proprietor or employee may not provide ice, mixers, or
 13 garnishes.

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

- 15 (1) must have:
 16 (1) successfully completed a server program or trainer
 17 program under IC 7.1-3-1.5; and
 18 (2) an employee permit under IC 7.1-3-18-9;
 19 (2) must verify the age of a person consuming wine by
 20 examining:
 21 (A) a driver's license bearing the person's photograph;
 22 (B) a photographic identification card issued under
 23 IC 9-24-16-1, or a similar card, issued under the laws of
 24 another state or the federal government, showing the
 25 person's age; or
 26 (C) a government issued document bearing the person's
 27 photograph and showing the person to be at least
 28 twenty-one (21) years of age; and
 29 (3) is responsible for any violation of IC 7.1-5-10-15.

30 (g) A proprietor who permits patrons to bring wine into the art
 31 instruction studio must make food available for consumption at the
 32 art instruction studio by:

- 33 (1) allowing a vehicle of transportation that is a food
 34 establishment (as defined in IC 16-18-2-137) to serve food
 35 near the art studio;
 36 (2) placing menus in the art studio's premises of restaurants
 37 that will deliver food to the art studio; or
 38 (3) providing food prepared at the art studio.

39 SECTION 72. IC 7.1-5-8-5, AS AMENDED BY P.L.94-2008,
 40 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 5. (a) This section does not apply to a person who,
 42 on or about a licensed premises, carries, conveys, or consumes beer or



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wine:

- (1) described in IC 7.1-1-2-3(a)(4); and
- (2) not sold or offered for sale.

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

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

- (1) has an area of at least four (4) acres and not more than six (6) acres;
- (2) is located within one (1) mile of the White River;
- (3) is owned and operated by a nonprofit corporation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
- (4) is used primarily in connection with live music concerts.

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

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

SECTION 73. IC 7.1-5-9-10, AS AMENDED BY P.L.79-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

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

- (1) A brewer's permit issued under IC 7.1-3-2-2(b). ~~and~~
- (2) An artisan distiller's permit if the holder of the retailer's permit also holds a brewer's permit described in subdivision (1).

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



1 ~~(e)~~ (d) A person who knowingly or intentionally violates subsection
2 (a) commits a Class B misdemeanor.

3 SECTION 74. IC 7.1-5-10-12, AS AMENDED BY P.L.234-2017,
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 12. (a) Except as provided in subsections (b)
6 through (d) and subsection (f), it is unlawful for a permittee to sell,
7 offer to sell, purchase or receive, an alcoholic beverage for anything
8 other than cash. A permittee who extends credit in violation of this
9 section shall have no right of action on the claim.

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

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

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

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

27 (f) Nothing in this section may be construed to prohibit a ~~retailer or~~
28 ~~dealer a club that is not open to the general public~~ from ~~(+)~~
29 extending credit to a consumer purchasing alcohol for personal use at
30 any time. ~~as long as any amount owed to the retailer or dealer by a~~
31 ~~consumer for alcohol is paid in full before the consumer leaves the~~
32 ~~permittee's premises; or~~

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

- 35 ~~(A)~~ (1) credit card;
- 36 ~~(B)~~ (2) debit card;
- 37 ~~(C)~~ (3) charge card; or
- 38 ~~(D)~~ (4) stored value card;

39 from a consumer purchasing alcohol for personal use.

40 SECTION 75. IC 31-16-12-13, AS ADDED BY P.L.80-2010,
41 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 13. If a court finds that a person who holds or has



1 applied for an employee's permit issued under IC 7.1-3-18-9(a)(3)
 2 **(before July 1, 2021) or IC 7.1-3-18-9(b)(4) (after June 30, 2021)** is
 3 delinquent (as defined in IC 31-25-4-2) as a result of an intentional
 4 violation of an order for child support, the court shall issue an order to
 5 the alcohol and tobacco commission that:

- 6 (1) requires the person's employee's permit be suspended until
 7 further order of the court;
 8 (2) orders the chairman of the alcohol and tobacco commission
 9 not to issue an employee's permit to the person who is the subject
 10 of the order if the person does not currently hold an employee's
 11 permit; or
 12 (3) orders the chairman of the alcohol and tobacco commission
 13 not to renew the employee's permit of the person who is the
 14 subject of the order.

15 SECTION 76. IC 31-25-4-32, AS AMENDED BY P.L.150-2018,
 16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 32. (a) When the Title IV-D agency finds that an
 18 obligor is delinquent, the Title IV-D agency shall send, to a verified
 19 address, a notice to the obligor that does the following:

- 20 (1) Specifies that the obligor is delinquent.
 21 (2) Describes the amount of child support that the obligor is in
 22 arrears.
 23 (3) States that unless the obligor:
 24 (A) pays the obligor's child support arrearage in full;
 25 (B) establishes a payment plan with the Title IV-D agency to
 26 pay the arrearage, which includes an income withholding
 27 order; or
 28 (C) requests a hearing under section 33 of this chapter;
 29 within twenty (20) days after the date the notice is mailed, the
 30 Title IV-D agency shall issue an order to the bureau of motor
 31 vehicles stating that the obligor is delinquent and that the obligor's
 32 driving privileges shall be suspended.
 33 (4) Explains that the obligor has twenty (20) days after the notice
 34 is mailed to do one (1) of the following:
 35 (A) Pay the obligor's child support arrearage in full.
 36 (B) Establish a payment plan with the Title IV-D agency to
 37 pay the arrearage, which includes an income withholding order
 38 under IC 31-16-15-2 or IC 31-16-15-2.5.
 39 (C) Request a hearing under section 33 of this chapter.
 40 (5) Explains that if the obligor has not satisfied any of the
 41 requirements of subdivision (4) not later than twenty (20) days
 42 after the notice is mailed, that the Title IV-D agency shall issue a



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



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



- 1 the appropriate sanctions described under IC 25-1-1.2.
- 2 (g) Whenever the Title IV-D agency finds that an obligor who is an
 3 attorney or a licensed teacher is delinquent and the attorney or licensed
 4 teacher has failed to:
- 5 (1) pay the obligor's child support arrearage in full;
 - 6 (2) establish a payment plan with the Title IV-D agency to pay the
 7 arrearage, which includes an income withholding order under
 8 IC 31-16-15-2 or IC 31-16-15-2.5; or
 - 9 (3) request a hearing under section 33 of this chapter;
- 10 the Title IV-D agency shall notify the supreme court disciplinary
 11 commission if the obligor is an attorney, or the department of education
 12 if the obligor is a licensed teacher, that the obligor is delinquent.
- 13 (h) Whenever the Title IV-D agency finds that an obligor who holds
 14 a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:
- 15 (1) pay the obligor's child support arrearage in full;
 - 16 (2) establish a payment plan with the Title IV-D agency to pay the
 17 arrearage, which includes an income withholding order under
 18 IC 31-16-15-2 or IC 31-16-15-2.5; or
 - 19 (3) request a hearing under section 33 of this chapter;
- 20 the Title IV-D agency shall issue an order to the Indiana horse racing
 21 commission if the obligor holds a license issued under IC 4-31-6, or to
 22 the Indiana gaming commission if the obligor holds a license issued
 23 under IC 4-33 or IC 4-35, stating that the obligor is delinquent and
 24 directing the commission to impose the appropriate sanctions described
 25 in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.
- 26 (i) Whenever the Title IV-D agency finds that an obligor who holds
 27 a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
 28 failed to:
- 29 (1) pay the obligor's child support arrearage in full;
 - 30 (2) establish a payment plan with the Title IV-D agency to pay the
 31 arrearage, which includes an income withholding order under
 32 IC 31-16-15-2 or IC 31-16-15-2.5; or
 - 33 (3) request a hearing under section 33 of this chapter;
- 34 the Title IV-D agency shall issue an order to the commissioner of the
 35 department of insurance stating that the obligor is delinquent and
 36 directing the commissioner to impose the appropriate sanctions
 37 described in IC 27-1-15.6-29 or IC 27-10-3-20.
- 38 (j) Whenever the Title IV-D agency finds that an obligor who holds
 39 a license issued by the department of natural resources under
 40 IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,
 41 IC 14-24-7, or IC 14-31-3 has failed to:
- 42 (1) pay the obligor's child support arrearage in full;



1 (2) establish a payment plan with the Title IV-D agency to pay the
 2 arrearage, which includes an income withholding order under
 3 IC 31-16-15-2 or IC 31-16-15-2.5; or

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

10 (k) If the Title IV-D agency finds that an obligor who holds an
 11 employee's permit issued under IC 7.1-3-18-9(a)(3) **(before July 1,**
 12 **2021) or IC 7.1-3-18-9(b)(4) (after June 30, 2021)** 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 alcohol and tobacco
 19 commission stating that the obligor is delinquent and directing the
 20 alcohol and tobacco commission to impose the appropriate sanctions
 21 under IC 7.1-3-23-44.

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

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

26 (1) paid the obligor's child support arrearage in full; or

27 (2) established a payment plan with the Title IV-D agency to pay
 28 the arrearage, which includes an income withholding order under
 29 IC 31-16-15-2 or IC 31-16-15-2.5;

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

33 SECTION 77. IC 31-25-4-34, AS AMENDED BY P.L.150-2018,
 34 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2019]: Sec. 34. (a) As used in this section, "board" has the
 36 meaning set forth in IC 25-1-1.2-2.

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

41 (1) stating that the obligor is delinquent; and

42 (2) requiring the board to comply with the actions required under



- 1 IC 25-1-1.2-8.
- 2 (c) If an obligor holds a license issued under IC 4-31-6, IC 4-33, or
 3 IC 4-35 and requests a hearing under section 33 of this chapter but fails
 4 to appear or appears and is found to be delinquent, the Title IV-D
 5 agency shall issue an order to the:
- 6 (1) Indiana horse racing commission, if the obligor holds a license
 7 issued under IC 4-31-6; or
 8 (2) Indiana gaming commission, if the obligor holds a license
 9 issued under IC 4-33 or IC 4-35;
- 10 stating that the obligor is delinquent and requiring the commission to
 11 comply with the actions required under IC 4-31-6-11, IC 4-33-8.5-3, or
 12 IC 4-35-6.7-2.
- 13 (d) If an obligor holds a license issued under IC 27-1-15.6,
 14 IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of
 15 this chapter but fails to appear or appears and is found to be delinquent,
 16 the Title IV-D agency shall issue an order to the commissioner of the
 17 department of insurance:
- 18 (1) stating that the obligor is delinquent; and
 19 (2) requiring the commissioner to comply with the actions
 20 required under IC 27-1-15.6-29 or IC 27-10-3-20.
- 21 (e) If an obligor holds a license issued by the department of natural
 22 resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17,
 23 IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under
 24 section 33 of this chapter but fails to appear, or appears and is found to
 25 be delinquent, the Title IV-D agency shall issue an order to the director
 26 of the department of natural resources:
- 27 (1) stating that the obligor is delinquent; and
 28 (2) requiring the director to suspend or revoke a license issued by
 29 the department as provided in IC 14-11-3.
- 30 (f) If an obligor:
 31 (1) holds an employee's permit issued under IC 7.1-3-18-9(a)(3)
 32 **(before July 1, 2021) or IC 7.1-3-18-9(b)(4) (after June 30,**
 33 **2021); and**
 34 (2) requests a hearing under section 33 of this chapter but fails to
 35 appear or appears and is found to be delinquent;
- 36 the Title IV-D agency shall issue an order to the alcohol and tobacco
 37 commission stating that the obligor is delinquent and requiring the
 38 commission to impose the appropriate sanctions under IC 7.1-3-23-44.
- 39 (g) When an obligor who was the subject of an order issued by the
 40 Title IV-D agency under subsection (b), (c), (d), (e), or (f) has:
- 41 (1) paid the obligor's child support arrearage in full; or
 42 (2) established a payment plan with the Title IV-D agency to pay



1 the arrearage, which includes an income withholding order under
 2 IC 31-16-15-2 or IC 31-16-15-2.5;
 3 the Title IV-D agency shall provide notice to the appropriate entity
 4 under subsection (b), (c), (d), (e), or (f) that the obligor has addressed
 5 the delinquency.

6 SECTION 78. IC 35-46-1-10.1, AS ADDED BY P.L.94-2008,
 7 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]: Sec. 10.1. (a) If a permit holder or an agent or
 9 employee of a permit holder violates IC 7.1-5-7-8 on the licensed
 10 premises, in addition to any other penalty, a civil judgment may be
 11 imposed against the permit holder as follows:

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

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

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

30 (4) If the licensed premises at that specific business location has
 31 had three (3) or more citations or summonses for a violation of
 32 IC 7.1-5-7-8 in the previous one hundred eighty (180) days, a civil
 33 penalty of up to one thousand dollars (\$1,000). **However, if the**
 34 **violation is under IC 7.1-5-7-8(c), a civil penalty may be**
 35 **imposed of not more than one thousand three hundred dollars**
 36 **(\$1,300).**

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

39 (c) Unless a person less than twenty-one (21) years of age buys or
 40 receives an alcoholic beverage under the direction of a law
 41 enforcement officer as part of an enforcement action, a permit holder
 42 that sells alcoholic beverages is not liable under this section unless the



1 person less than twenty-one (21) years of age who bought or received
2 the alcoholic beverage is charged for violating IC 7.1-5-7-7.

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

6 **SECTION 79. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1518, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, delete lines 4 through 12.

Page 6, line 19, strike "two thousand (2,000)" and insert "**eight hundred (800)**".

Page 8, between lines 7 and 8, begin a new line block indented and insert:

"However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9."

Page 10, between lines 9 and 10, begin a new line block indented and insert:

"However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9."

Page 10, between lines 31 and 32, begin a new line block indented and insert:

"However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9."

Page 16, line 20, after "A" insert "**county,**".

Page 16, line 25, after "the" insert "**county,**".

Page 19, delete lines 5 through 12.

Page 24, line 33, after "facilities." insert "**If the law applicable to one (1) of the permits under subsection (a)(2) that the person has an interest in is more prohibitive or restrictive regarding the presence of a minor in the bar area of the licensed premises than the law applicable to the other premises under subsection (a)(2) that the person has an interest in, the more prohibitive or restrictive law applies to the single bar area.**".

Page 26, between lines 23 and 24, begin a new line block indented and insert:

"However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9."

Page 29, line 33, after "only," insert "**including at an additional farm winery location that is separate from the winery as described in subsection (b),**".

Page 31, line 31, after "facilities." insert "**If the law applicable to one (1) of the permits under subsection (a)(2) that the person has an interest in is more prohibitive or restrictive regarding the presence of a minor in the bar area of the licensed premises than**



the law applicable to the other premises under subsection (a)(2) that the person has an interest in, the more prohibitive or restrictive law applies to the single bar area."

Page 33, delete lines 15 through 28.

Page 34, line 36, delete "is".

Page 34, line 37, delete "at least twenty-one (21) years of age and".

Page 35, line 7, delete "permit, but must be at least" and insert "permit".

Page 35, line 8, delete "twenty-one (21) years of age".

Page 35, line 9, delete "(before July 1, 2021) or subsection (b) (after June" and insert ".".

Page 35, delete line 10.

Page 37, delete lines 4 through 17.

Page 41, line 16, reset in roman "Subject to section 16.1 of this chapter and except as provided in".

Page 41, line 17, reset in roman "section 16.3 of this chapter,".

Page 41, line 17, delete "Before July 1, 2019,".

Page 41, line 36, delete "The commission".

Page 41, delete lines 37 through 40.

Page 45, delete lines 36 through 42.

Delete page 46.

Page 47, delete lines 1 through 16.

Page 48, delete lines 41 through 42, begin a new paragraph and insert:

"(b) A municipality may designate not more than one (1) entertainment revitalization area. However, as long as the municipality has a riverfront development project district under sections 16 and 16.1 of this chapter, the municipality may not designate an entertainment revitalization area. To designate an entertainment revitalization area, the municipality must adopt an ordinance that does the following:"

Page 49, delete line 1.

Page 53, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 46. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. **(a) This section does not apply to premises for which a permit was issued for the premises under the provisions of Acts 1933, Chapter 80.**

(a) (b) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) (c) Except as provided in subsections ~~(c)~~ **(d)** and ~~(g)~~ **(h) and section 11.5 of this chapter**, the commission may not issue a permit



for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church. ~~if no permit has been issued for the premises under the provisions of Acts 1933, Chapter 80:~~

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

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

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

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

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

(2) retailer under section 11.5 of this chapter; or

~~(2)~~ **(3)** church or school that applies for a temporary beer or wine permit.

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

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

~~(f)~~ **(g)** If the commission determines that the church or school does not object, this section and IC 7.1-3-21-10 do not apply to the permit premises of the grocery store, drug store, restaurant, hotel, or catering hall on a subsequent renewal or transfer of ownership.

~~(g)~~ **(h)** If the commission:

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

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

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

SECTION 47. IC 7.1-3-21-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 11.5. (a) As used in this section,**



"permit" means a retailer's permit.

(b) The following permits that are issued for premises located within two hundred (200) feet of the wall of a church are not subject to section 11 of this chapter:

- (1) A permit described in section 11(a) of this chapter.
- (2) A permit issued before the church occupies the location.
- (3) A permit issued in an area where at least one (1) other permit described in subdivision (1) or subdivision (2) is:
 - (A) active; and
 - (B) issued for premises located within two hundred (200) feet of a wall of the same church.

(c) A permit issued under subsection (b)(3) remains exempt from section 11 of this chapter if:

- (1) there are no permits described in subsection (b)(1) or (b)(2) that are active; and
- (2) the permit issued under subsection (b)(3) does not change locations.

SECTION 46. IC 7.1-3-21-14, AS AMENDED BY P.L.28-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The commission shall issue a permit for the sale of alcoholic beverages on the Indiana state fair grounds to the Indiana state fair commission.

(b) The **following applies to a** holder of a permit under this section: is

- (1) A **permit holder is** entitled to sell alcoholic beverages on the state fair grounds to consumers by the glass.
- (2) A **permit holder that is a brewery under IC 7.1-3-2-7(5), a farm winery under IC 7.1-3-12, or an artisan distillery under IC 7.1-3-27** may sell alcoholic beverages produced by the permit holder for consumption off the state fair grounds, in addition to selling alcoholic beverages by the glass.
- ~~(3)~~ (3) A **permit holder is** entitled to permit multiple vendors of the state fair commission with separate permits at different locations on the state fair grounds to sell alcoholic beverages by the glass under the permit.
- ~~(4)~~ (4) A **permit holder is** entitled to receive the permit directly from the commission without local board approval.
- ~~(5)~~ (5) A **permit holder is** not subject to quota restrictions under IC 7.1-3-22-3. ~~and~~
- ~~(6)~~ (6) A **permit holder is** entitled to allow a minor to be present in the places where alcoholic beverages are sold.

(c) The holder of a permit under this section must comply with the



following requirements:

- (1) File a floor plan of the premises where alcoholic beverages will be served and consumed.
- (2) Provide that service of alcoholic beverages may be performed only by servers certified under IC 7.1-3-1.5.
- (3) Allow sales during the times prescribed under IC 7.1-3-1-14.
- (4) Prohibit sales prohibited under IC 7.1-5-10-1.
- (5) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1."

Page 54, line 29, delete "IC 7.1-3-4-2(a)(3);" and insert "**IC 7.1-3-4-2(a)(3) that has not been expunged under IC 35-38-9;**".

Page 56, delete lines 24 through 36, begin a new paragraph and insert:

"SECTION 50. IC 7.1-3-27-6, AS AMENDED BY P.L.79-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A holder of an artisan distiller's permit may also hold one (1) **or more of one (1)** of the following:

- (1) ~~A~~ Farm winery ~~permit.~~ **permits.**
- (2) ~~A~~ Brewer's ~~permit~~ **permits** issued under IC 7.1-3-2-2(b).
- (3) ~~A~~ Distiller's ~~permit~~ **permits** under IC 7.1-3-7.

(b) A holder of an artisan distiller's permit who also holds a permit described under subsection (a)(2) may hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant as described in IC 7.1-3-2-7(5)(C)."

Page 57, line 16, after "facilities." insert "**If the law applicable to one (1) of the permits under subsection (a)(2) that the person has an interest in is more prohibitive or restrictive regarding the presence of a minor in the bar area of the licensed premises than the law applicable to the other premises under subsection (a)(2) that the person has an interest in, the more prohibitive or restrictive law applies to the single bar area.**".

Page 58, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 53. IC 7.1-3-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1 2019]:

Chapter 29. College Stadiums

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

Sec. 2. (a) A stadium may:

- (1) **submit a floor plan of proposed storage locations to the commission for approval; and**



(2) indicate the primary concessionaire operating at the stadium;

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

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

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

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

Page 60, line 39, delete "one hundred dollars (\$100)" and insert "two hundred fifty dollars (\$250)".

Page 60, delete line 42.

Page 61, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 63. IC 7.1-4-4.1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) The initial fee for a food hall master permit is fifty thousand dollars (\$50,000).**

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

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

SECTION 64. IC 7.1-4-4.1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. (a) The initial application fee for a food hall vendor's permit is as follows:**

(1) For a vending space that is less than one thousand (1,000) square feet, the cost of an initial permit is two thousand five hundred dollars (\$2,500).

(2) For a vending space that is at least one thousand (1,000) square feet but not more than two thousand (2,000) square feet, the cost of an initial permit fee is five thousand dollars



(\$5,000).

(b) The annual renewal fee for a food hall vendor's permit under subsection (a) is one thousand dollars (\$1,000). The commission shall deposit all fees collected for a food hall vendor's permit under subsection (a) and this subsection into the enforcement and administration fund established under IC 7.1-4-10.

(c) If a vending space is more than two thousand (2,000) square feet, a vendor must purchase a one-way, two-way, or three-way permit, subject to:

(1) availability under IC 7.1-3-22; and

(2) the annual renewal fees under section 9 of this chapter."

Page 62, delete lines 1 through 7.

Page 62, delete lines 17 through 26.

Page 66, delete lines 5 through 42.

Page 67, delete lines 1 through 33.

Page 69, delete lines 10 through 11, begin a new paragraph and insert:

"(c) The permit holder may charge a corkage fee for each bottle of wine that is brought into the licensed premises by a patron, regardless of whether the permit holder actually opens the bottle or serves the wine."

Page 72, delete lines 27 through 37.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1518 as introduced.)

SMALTZ

Committee Vote: yeas 12, nays 1.

