



April 12, 2019

ENGROSSED HOUSE BILL No. 1518

DIGEST OF HB 1518 (Updated April 10, 2019 5:29 pm - DI 106)

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.

Synopsis: Alcoholic beverage matters. 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 an art instruction studio. Requires the alcohol and tobacco commission (ATC) to post on its Internet web site quarterly reports of permittee noncompliance. 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 hotel, restaurant, caterer, and private club to allow a customer to run a tab for alcohol purchases. Allows a brewery
(Continued next page)

Effective: Upon passage; July 1 2019.

Smaltz, Clere, Moed, Forestal

(SENATE SPONSORS — ALTING, RANDOLPH LONNIE M)

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.
February 18, 2019, amended, reported — Do Pass.
February 20, 2019, read second time, ordered engrossed.
February 21, 2019, engrossed. Read third time, passed. Yeas 81, nays 16.

SENATE ACTION

March 5, 2019, read first time and referred to Committee on Public Policy.
April 11, 2019, amended, reported favorably — Do Pass.

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Digest Continued

or farm winery permit holder sell their product to a supplemental caterer for an outdoor event. Amends the definition of "entertainment complex" to apply to: (1) all municipalities and facilities that have permanent seating for at least 800 individuals; and (2) certain facilities with seating for 200 individuals located within a mile of the center of Indianapolis. 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. Provides that the money collected for various fees is distributed to the ATC's enforcement and administration fund. Provides that a permit may remain in escrow for four years, with an appeals process permitting one additional year, and makes conforming amendments concerning permits currently escrowed. 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. 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 farm winery, artisan distiller, or brewer's permit. Provides requirements for an outdoor beer garden. Regulates the sale of alcohol on jumbo boats. 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 at least 85 feet from of a church if the church is separated from the retailer by a road having a width of 30 feet. Allows 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. Provides that a holder of a permit for the state fair grounds may, at the discretion of the state fair commission, if the permit holder is a small 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. Codifies administrative rules concerning retail permittee sales. Allows a brewery to can and carbonate liquor for a distillery in the same county. Permits a farm winery or the holder of a vintner's permit to manufacture wine and place it in boxes or bulk containers. Allows liquor to be sold from a golf cart at a golf course under the club permit. Allows additional permits for a specified manufacturing complex that is part of a redevelopment project. Allows outdoor bars at civic centers and certain retailers with a gross business of at least \$1 million in food. Allows the ATC to revoke or suspend tobacco certificates. Regulates contracts between beer wholesalers and suppliers. Allows minors in brewery tasting rooms if accompanied by a parent.

April 12, 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.

ENGROSSED 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 **complies with one (1)**
 7 **or more of the following requirements:**

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

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

11 ~~(A) includes an area where at least two thousand (2,000)~~
 12 ~~individuals may be seated at one (1) time in permanent~~
 13 ~~seating; and~~

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

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

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

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

22 **(1) The premises:**

23 **(A) is a site for the performance of musical, theatrical, or**
 24 **other entertainment; and**

25 **(B) includes an area where at least eight hundred (800)**
 26 **individuals may be seated at one (1) time in permanent**
 27 **seating.**

28 **(2) The premises:**

29 **(A) is located entirely within a one (1) mile radius of the**
 30 **center of a consolidated city;**

31 **(B) is used by a nonprofit organization primarily for the**
 32 **professional performance of musical or theatrical**
 33 **entertainment; and**

34 **(C) has audience seating in one (1) or more performance**
 35 **spaces for at least two hundred (200) individuals.**

36 SECTION 4. IC 7.1-1-3-19.6 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: Sec. 19.6. The term "jumbo boat"
 39 means a United States Coast Guard approved vessel having a
 40 length of at least one hundred thirty-five (135) feet and a width of
 41 at least thirty-five (35) feet. The term does not include a riverboat
 42 (as defined in IC 4-33-2-17).



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

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

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

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

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

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

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

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

26 SECTION 6. IC 7.1-2-3-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~General Powers of~~
 28 ~~Commission~~. The commission shall have the power **to:**

29 ~~(a) to~~ **(1) hold hearings** before the commission or its
 30 representative;

31 ~~(b) to~~ **(2) take testimony and receive evidence;**

32 ~~(c) to~~ **(3) conduct inquiries with or without hearings;**

33 ~~(d) to~~ **(4) receive reports of investigators or other governmental**
 34 **officers and employees;**

35 ~~(e) to~~ **(5) administer oaths;**

36 ~~(f) to~~ **(6) subpoena witnesses and to compel them to appear and**
 37 **testify;**

38 ~~(g) to~~ **(7) issue and enforce subpoenas duces tecum;**

39 ~~(h) to~~ **(8) take or institute proceedings to enforce subpoenas, the**
 40 **rules and regulations, orders, or requirements of the commission**
 41 **or its representative;**

42 ~~(i) to~~ **(9) fix the compensation paid to witnesses appearing before**



- 1 the commission;
 2 ~~(j)~~ **to (10)** establish and use a seal of the commission;
 3 ~~(k)~~ **to (11)** certify copies of records of the commission or any
 4 other document or record on file with the commission;
 5 ~~(l)~~ **to (12)** fix the form, mode, manner, time, and number of times
 6 for the posting or publication of any required notices if not
 7 otherwise provided in this title;
 8 ~~(m)~~ **to (13)** issue letters of extension as authorized by
 9 IC 7.1-3-1-3.1; and
 10 ~~(n)~~ **to (14)** hold permits on deposit as authorized by IC 7.1-3-1-3.5
 11 **and IC 7.1-3-1.1.**

12 SECTION 7. IC 7.1-2-3-4.6 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2019]: **Sec. 4.6. (a) The commission shall prepare quarterly**
 15 **reports that provide the violations by permittees subject to an**
 16 **enforcement action under IC 7.1-5-7-17. The commission shall**
 17 **issue the quarterly reports on or before the fifteenth day of:**

- 18 **(1) January, concerning violations committed during the**
 19 **preceding quarter consisting of the months of October**
 20 **through December;**
 21 **(2) April, concerning violations committed during the**
 22 **preceding quarter consisting of the months of January**
 23 **through March;**
 24 **(3) July, concerning violations committed during the**
 25 **preceding quarter consisting of the months of April through**
 26 **June; and**
 27 **(4) October, concerning violations committed during the**
 28 **preceding quarter consisting of the months of July through**
 29 **September.**

30 **(b) The commission's quarterly report must provide**
 31 **noncompliance violations by:**

- 32 **(1) business listing;**
 33 **(2) permit type; and**
 34 **(3) county.**

35 **(c) The commission shall post the quarterly reports on the**
 36 **commission's Internet web site. The commission shall:**

- 37 **(1) prepare a report annually that compiles the violations for**
 38 **the preceding calendar year; and**
 39 **(2) provide the report to the legislative council not later than**
 40 **February 1 of each year in an electronic format under**
 41 **IC 5-14-6.**

42 SECTION 8. IC 7.1-2-4-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~Qualifications of~~
 2 ~~Appointed Members~~. An appointed member of a local board shall
 3 possess the following qualifications:

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

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

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

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

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

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

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

27 ~~(d) He shall have a good moral character.~~

28 SECTION 9. IC 7.1-2-4-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~Qualifications of~~
 30 ~~Designated Members~~. **(a) The designated member of a local board shall**
 31 **be a person of good moral character; meet the following**
 32 **requirements:**

33 **(1) The person must be an Indiana a resident. of Indiana and**

34 **(2) The person must be familiar with the laws of Indiana**
 35 **concerning alcoholic beverages. beverage law.**

36 **(3) The person may not have a conviction within ten (10) years**
 37 **before the date of appointment of:**

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

40 **(B) an Indiana Class A, Class B, or Class C felony (for a**
 41 **crime committed before July 1, 2014) or a Level 1, Level 2,**
 42 **Level 3, Level 4, or Level 5 felony (for a crime committed**



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

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

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

11 SECTION 10. IC 7.1-3-1-3, AS AMENDED BY P.L.196-2015,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 3. (a) A permit of any type issued by the
 14 commission, except as provided in subsections (b) and (f) or unless
 15 otherwise provided in this title, shall be in force for one (1) calendar
 16 year only, including the day upon which it is granted. At the end of the
 17 one (1) year period the permit shall be fully expired and null and void.

18 (b) Notwithstanding subsection (a), a permit that is subject to
 19 section 5.5 or 5.6 of this chapter is effective for two (2) calendar years,
 20 including the day upon which the permit is granted. However, a local
 21 board may recommend to the commission that the permit be issued or
 22 renewed for only a one (1) year period. The commission may issue or
 23 renew a permit for the period recommended by the local board.

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

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

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

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

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



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

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

6 (h) The commission may timely process an application for renewal
7 of a permit filed by a permittee that receives notice of a violation as
8 described in subsection (g) if the chairman or the chairman's designee
9 authorizes the application for renewal of the permit to be timely
10 processed.

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

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

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

17 (j) Except as provided in subsection (k), if a permittee does not file
18 an application for renewal of a permit within ~~one (1) year~~ as the time
19 provided in subsection (i), the permit reverts to the commission. At
20 least thirty (30) days before the date that a permit reverts to the
21 commission, the commission shall provide written notice to the
22 permittee informing the permittee of the date that the permittee's permit
23 will revert to the commission.

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

25 **(1) under subsection (i)(1) may file an application for renewal of**
26 **a permit more than one (1) year after the date the permit expires**
27 **if, not later than one (1) year after the date the permit expires, the**
28 **permittee obtains approval from the chairman or the chairman's**
29 **designee for an extension to file the application for renewal; or**
30 **(2) under subsection (i)(2) may file an application for renewal**
31 **of a permit more than six (6) months after the date the permit**
32 **expires if, not later than six (6) months after the date the**
33 **permit expires, the permittee obtains approval from the**
34 **chairman or the chairman's designee for an extension to file**
35 **the application for renewal.**

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

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

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

41 after the date the permit expires only if the permittee provides evidence
42 that the permittee is engaged in an administrative or court proceeding



1 that prevents the permittee from renewing the permit.

2 (m) A permit is effective upon the final approval of the commission.
 3 Upon final approval of a permit, and upon the request of the permittee,
 4 the commission shall provide the permittee with a letter of authority to
 5 operate. The letter of authority to operate constitutes authorization for
 6 the permittee to perform the actions allowed under the permit until the
 7 date the permittee receives the permit issued by the commission.

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

12 **(b) A permittee to whom a retailer or dealer permit has been issued**
 13 **under this title may deposit that permit with the commission for a**
 14 **period of one (1) year if the permittee is unable to immediately operate**
 15 **the business to which the permit applies. Subject to subsections (d)**
 16 **through (e), the commission may extend the term of the deposit for not**
 17 **more than four (4) additional one (1) year periods if the permittee is**
 18 **able to show to the satisfaction of the commission that the permittee is**
 19 **making a good faith effort to put the permit into operation: under**
 20 **IC 7.1-3-1.1.**

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

24 **(d) This subsection applies to a permit that is deposited with the**
 25 **commission after June 30, 2016, and before July 1, 2018. The**
 26 **permit reverts to the commission if the permit is not active before**
 27 **July 1, 2021.**

28 **(e) This subsection applies to a permit that is deposited with the**
 29 **commission after June 30, 2018, and before July 1, 2019. The**
 30 **permit reverts to the commission if the permit is not active before**
 31 **July 1, 2022.**

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

33 SECTION 12. IC 7.1-3-1-5, AS AMENDED BY P.L.196-2015,
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), an
 36 application for a permit to sell alcoholic beverages of any kind, and the
 37 required publication of notice, shall disclose the name of the applicant
 38 and the specific address where the alcoholic beverages are to be sold,
 39 and any assumed business name under which the business will be
 40 conducted. The application and notice also shall disclose the names
 41 and addresses of the president and secretary of the corporation, club,
 42 association, or organization who will be responsible to the public for



1 the sale of the alcoholic beverage if the applicant is a corporation, club,
2 association, or other type of organization.

3 (b) An application for a permit may be processed by the commission
4 while the location of the permit premises is pending, upon a showing
5 of need by the permit applicant. Any permit issued by the commission
6 while the location of the permit premises is pending shall be placed
7 immediately ~~into escrow~~ **on deposit with the commission under**
8 **IC 7.1-3-1-3.5 (before July 1, 2019) or (after June 30, 2019)**
9 **IC 7.1-3-1.1** upon approval of the permit by the commission. If a
10 permit issued by the commission is ~~placed into escrow~~ **deposited with**
11 **the commission** under this subsection:

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

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

16 SECTION 13. IC 7.1-3-1-18, AS AMENDED BY P.L.196-2015,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2019]: Sec. 18. (a) Except as provided in subsections (d) and
19 (e), if publication of notice of application for a permit is required under
20 this title, the publication shall be made in one (1) newspaper of general
21 circulation published in the county where the permit is to be in effect.

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

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

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

29 ~~(1)~~ three-way permit for a restaurant described in
30 IC 7.1-3-20-12(4) ~~or~~

31 ~~(2) seasonal permit granted under IC 7.1-3-20-22;~~

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

33 (e) If:

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

36 (2) the newspaper published in the county as described in
37 subsection (a) refuses to publish the notice;

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

42 SECTION 14. IC 7.1-3-1-25, AS AMENDED BY P.L.119-2012,



1 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2019]: Sec. 25. (a) A city or county listed in this subsection
 3 **county, city, town, or township** that by itself or in combination with
 4 any other ~~municipal~~ **body of a county, city, town, or township**
 5 acquires by ownership or by lease any stadium, exhibition hall,
 6 auditorium, theater, convention center, or civic center may permit the
 7 retail sale of alcoholic beverages upon the premises if the governing
 8 board of the facility first applies for and secures the necessary permits
 9 as required by this title. ~~The cities and counties to which this~~
 10 ~~subsection applies are as follows:~~

11 (1) ~~A consolidated city or its county.~~

12 (2) ~~A second class city.~~

13 (3) ~~A county having a population of more than one hundred~~
 14 ~~eighty-five thousand (185,000) but less than two hundred fifty~~
 15 ~~thousand (250,000).~~

16 (4) ~~A county having a population of more than one hundred~~
 17 ~~seventy-five thousand (175,000) but less than one hundred~~
 18 ~~eighty-five thousand (185,000).~~

19 (5) ~~A county having a population of more than one hundred~~
 20 ~~twenty-five thousand (125,000) but less than one hundred~~
 21 ~~thirty-five thousand (135,000).~~

22 (6) ~~A county having a population of more than three hundred~~
 23 ~~thousand (300,000) but less than four hundred thousand~~
 24 ~~(400,000).~~

25 (7) ~~A city having a population of more than four thousand nine~~
 26 ~~hundred fifty (4,950) but less than five thousand (5,000).~~

27 (8) ~~A county having a population of more than one hundred~~
 28 ~~thirty-five thousand (135,000) but less than one hundred~~
 29 ~~thirty-eight thousand (138,000).~~

30 (9) ~~A county having a population of more than two hundred~~
 31 ~~seventy thousand (270,000) but less than three hundred thousand~~
 32 ~~(300,000).~~

33 (b) ~~A county having a population of more than four hundred~~
 34 ~~thousand (400,000) but less than seven hundred thousand (700,000) or~~
 35 ~~a township located in such a county that has established a public park~~
 36 ~~with a golf course within its jurisdiction under IC 36-10-3 or~~
 37 ~~IC 36-10-7 may be issued a permit for the retail sale of alcoholic~~
 38 ~~beverages on the premises of any community center within the park,~~
 39 ~~including a clubhouse, social center, or pavilion.~~

40 (c) ~~A township that:~~

41 (1) ~~is located in a county having a population of more than one~~
 42 ~~hundred five thousand (105,000) but less than one hundred ten~~



1 thousand (110,000); and

2 (2) acquires ownership of 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
5 for and secures the necessary permits required by this title.

6 (d) (b) A **county or township** (1) having a population of more than
7 thirty-five thousand (35,000) but less than one hundred thousand
8 (100,000); and (2) located in a county having a population of more than
9 four hundred thousand (400,000) but less than seven hundred thousand
10 (700,000); may be issued a permit for the retail sale of alcoholic
11 beverages on the premises of any community center, **including a**
12 **clubhouse, pavilion,** or social center that is located within a **public**
13 **park the township and or** operated by the township.

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

18 (f) A city that:

19 (1) has a population of more than twenty-nine thousand six
20 hundred (29,600) but less than twenty-nine thousand nine
21 hundred (29,900); and

22 (2) owns or leases a marina;

23 may permit the retail sale of alcoholic beverages upon the premises of
24 the marina if the governing board of the marina first applies for and
25 secures the necessary permits required by this title. The permit may
26 include the carryout sale of alcoholic beverages in accordance with
27 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
28 but may not include at-home delivery of alcoholic beverages.

29 (g) (d) A **county, city, town, or township** listed in this subsection
30 that owns a marina may be issued a permit for the retail sale of
31 alcoholic beverages on the premises of the marina. The permit may
32 include the carryout sale of alcoholic beverages in accordance with
33 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
34 but may not include at-home delivery of alcoholic beverages. However,
35 the **county, city, town, or township** must apply for and secure the
36 necessary permits that this title requires. ~~This subsection applies to the~~
37 ~~following cities:~~

38 (1) A city having a population of more than eighty thousand
39 (80,000) but less than eighty thousand four hundred (80,400).

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

42 (3) A city having a population of more than thirty-one thousand



1 (31,000) but less than thirty-one thousand five hundred (31,500):
2 (4) A city having a population of more than thirty-six thousand
3 eight hundred twenty-five (36,825) but less than forty thousand
4 (40,000):

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

7 ~~(h)~~ (e) Notwithstanding subsection (a), the commission may issue
8 a civic center permit to a person that:

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

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

15 SECTION 15. IC 7.1-3-1.1 IS ADDED TO THE INDIANA CODE
16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]:

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

19 **Sec. 1. A permit deposited with the commission before, after, or**
20 **on July 1, 2019, is subject to this chapter.**

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

22 (1) a permit holder's parent, brother, sister, son, or daughter
23 whether by adoption, whole blood, half-blood, or marriage;

24 (2) a permit holder's spouse;

25 (3) a permit holder's employee, director, officer, partner, or
26 joint venturer;

27 (4) a corporation subject to common control with the permit
28 holder;

29 (5) a shareholder or corporation that controls the permit
30 holder; or

31 (6) a corporation controlled by the permit holder other than
32 as a fiduciary, an attorney, or an agent.

33 **Sec. 3. (a) If a permit holder is unable to immediately operate**
34 **the business for which the permit was issued, the permit holder**
35 **shall deposit the permit with the commission, subject to the**
36 **commission's approval. The commission may approve the deposit**
37 **of the permit for the following terms:**

38 (1) An initial term of deposit that expires forty-eight (48)
39 months after the date of the commission's approval.

40 (2) An extension of the term of deposit that expires twelve (12)
41 months after the date the initial term of deposit under
42 subdivision (1) expires.



1 (b) If the permit has not expired or reverted to the commission,
 2 a permit holder may withdraw a permit that is deposited with the
 3 commission and make the permit active at any time before the
 4 term of deposit expires, subject to any requirements of the
 5 commission.

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

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

10 (2) the permit is not active.

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

15 (1) the term of deposit expires; and

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

17 (A) the permit is not active; or

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

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

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

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

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

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

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

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

36 (3) The permit holder shall submit to the commission any
 37 other documentation of the permit holder's efforts under
 38 subdivision (2)(C), including:

39 (A) contracts for construction or renovation of the permit
 40 premises;

41 (B) zoning applications and approvals; and

42 (C) building permits and any other necessary government



1 **approvals.**
2 **(4) If the commission approves the permit holder's request,**
3 **pay any permit renewal fees that are due.**
4 **Sec. 6. The commission shall send a notice by mail or electronic**
5 **mail to a person of:**
6 **(1) the commission's approval or denial of a request for**
7 **deposit or extension of a term of deposit; and**
8 **(2) if the permit holder's request is approved:**
9 **(A) the date that the term of deposit expires; and**
10 **(B) any fees that are due and payable by the permit holder.**
11 **A person adversely affected by the commission's determination**
12 **under this chapter may seek judicial review of the determination**
13 **under IC 4-21.5.**
14 **Sec. 7. (a) This section applies to a permit deposited with the**
15 **commission that:**
16 **(1) has never been put into operation by the permit holder;**
17 **and**
18 **(2) is subject to the quota provisions of IC 7.1-3-22.**
19 **(b) The commission may not accept an application for transfer**
20 **of ownership of the permit except upon a showing to the**
21 **satisfaction of the commission of both of the following:**
22 **(1) Exceptional and unusual circumstances that necessitate a**
23 **transfer of ownership of the permit, including bankruptcy or**
24 **death of the permit holder.**
25 **(2) That the permit holder does not intend to speculatively sell**
26 **the permit. Evidence of the permit holder's intent may be**
27 **shown by submitting to the commission documentation**
28 **showing that the proposed sale price for the permit does not**
29 **exceed the amount that the permit holder paid the commission**
30 **or the previous permit holder for the permit.**
31 **SECTION 16. IC 7.1-3-1.3 IS ADDED TO THE INDIANA CODE**
32 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
33 **JULY 1, 2019]:**
34 **Chapter 1.3. Sale of Alcoholic Beverages by a Retail Permittee**
35 **Sec. 1. As used in this chapter, "package alcoholic beverage"**
36 **means:**
37 **(1) liquor;**
38 **(2) beer; or**
39 **(3) wine.**
40 **Sec. 2. A retailer permittee may not sell or otherwise dispose of**
41 **a package alcoholic beverage for consumption off the licensed**
42 **premises except in accordance with:**



- 1 (1) this chapter;
- 2 (2) another applicable Indiana alcoholic beverage law; and
- 3 (3) a rule of the alcohol and tobacco commission.
- 4 **Sec. 3. (a) A retail permittee may only sell a package alcoholic**
- 5 **beverage in the same room where:**
- 6 (1) the bar is located; or
- 7 (2) alcoholic beverages are stored, prepared, or dispensed for
- 8 consumption on the licensed premises.
- 9 **(b) A retail permittee may not:**
- 10 (1) partition a room to create an area or section solely or
- 11 primarily for the sale of a package alcoholic beverage;
- 12 (2) have a separate cash register for the sale of a package
- 13 alcoholic beverage; or
- 14 (3) permit or use self-service.
- 15 **Sec. 4. The total floor space area for the sale and display of**
- 16 **package alcoholic beverages may not exceed one-fourth (1/4) of the**
- 17 **total floor space area of the licensed premises or three hundred**
- 18 **(300) square feet, whichever is the lesser area.**
- 19 **Sec. 5. (a) The floor plans of the licensed premises of each retail**
- 20 **permittee must be approved by the commission before granting of**
- 21 **the retailer's permit. The floor plans must clearly designate the**
- 22 **dimensions and location of any area to be used for the sale of**
- 23 **package alcoholic beverages.**
- 24 **(b) A retail permittee may not change its floor plans without the**
- 25 **prior approval of the commission.**
- 26 **Sec. 6. A retail permittee may only sell a package alcoholic**
- 27 **beverage during the hours that the retail permittee is open for**
- 28 **business as a retail permittee.**
- 29 **Sec. 7. The commission shall enforce this chapter.**
- 30 SECTION 17. IC 7.1-3-1.5-1, AS ADDED BY P.L.161-2005,
- 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2019]: Sec. 1. As used in this chapter, "alcohol server" means
- 33 the following:
- 34 (1) A person who works on the licensed premises of a retailer
- 35 permittee as a:
- 36 (A) manager;
- 37 (B) bartender; or
- 38 (C) waiter or a waitress.
- 39 (2) A person who works on the licensed premises of a dealer
- 40 permittee as a:
- 41 (A) manager; or
- 42 (B) sales clerk.



- 1 **(3) 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 18. IC 7.1-3-2-7, AS AMENDED BY P.L.270-2017,
 5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 7. The holder of a brewer's permit or an
 7 out-of-state brewer holding either a primary source of supply permit or
 8 an out-of-state brewer's permit may do the following:
- 9 (1) Manufacture beer.
 10 (2) Place beer in containers or bottles.
 11 (3) Transport beer.
 12 (4) Sell and deliver beer to a person holding a beer wholesaler's
 13 permit issued under IC 7.1-3-3.
 14 (5) If the brewer manufactures, at all of the brewer's breweries
 15 located in Indiana, an aggregate of not more than ninety thousand
 16 (90,000) barrels of beer in a calendar year for sale or distribution
 17 within Indiana, the permit holder may do the following:
- 18 (A) Sell and deliver a total of not more than thirty thousand
 19 (30,000) barrels of beer in a calendar year to a person holding
 20 a retailer or a dealer permit under this title. The total number
 21 of barrels of beer that the permit holder may sell and deliver
 22 under this clause in a calendar year may not exceed thirty
 23 thousand (30,000) barrels of beer.
 24 (B) Be the proprietor of a restaurant.
 25 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
 26 liquor retailer's permit for a restaurant established under clause
 27 (B).
 28 (D) Transfer beer directly from the brewery to the restaurant
 29 by means of:
 30 (i) bulk containers; or
 31 (ii) a continuous flow system.
 32 (E) Install a window between the brewery and an adjacent
 33 restaurant that allows the public and the permittee to view both
 34 premises.
 35 (F) Install a doorway or other opening between the brewery
 36 and an adjacent restaurant that provides the public and the
 37 permittee with access to both premises.
 38 (G) Sell the brewery's beer by the glass for consumption on the
 39 premises. Brewers permitted to sell beer by the glass under
 40 this clause must make food available for consumption on the
 41 premises. A brewer may comply with the requirements of this
 42 clause by doing any of the following:



- 1 (i) Allowing a vehicle of transportation that is a food
 2 establishment (as defined in IC 16-18-2-137) to serve food
 3 near the brewer's licensed premises.
- 4 (ii) Placing menus in the brewer's premises of restaurants
 5 that will deliver food to the brewery.
- 6 (iii) Providing food prepared at the brewery.
- 7 (H) Sell and deliver beer to a consumer at the permit premises
 8 of the brewer or at the residence of the consumer. The delivery
 9 to a consumer may be made only in a quantity at any one (1)
 10 time of not more than one-half (1/2) barrel, but the beer may
 11 be contained in bottles or other permissible containers.
- 12 (I) Sell the brewery's beer as authorized by this section for
 13 carryout on Sunday in a quantity at any one (1) time of not
 14 more than five hundred seventy-six (576) ounces. A brewer's
 15 beer may be sold under this clause at any address for which the
 16 brewer holds a brewer's permit issued under this chapter if the
 17 address is located within the same city boundaries in which the
 18 beer was manufactured.
- 19 (J) With the approval of the commission, participate:
 20 (i) individually; or
 21 (ii) with other permit holders under this chapter, holders of
 22 artisan distiller's permits, holders of farm winery permits, or
 23 any combination of holders described in this item;
 24 in a trade show or an exposition at which products of each
 25 permit holder participant are displayed, promoted, and sold.
 26 All of the permit holders may occupy the same tent, structure,
 27 or building. The commission may not grant to a holder of a
 28 permit under this chapter approval under this clause to
 29 participate in a trade show or exposition for more than
 30 forty-five (45) days in a calendar year.
- 31 (K) Store or condition beer in a secure building that is:
 32 (i) separate from the brewery; and
 33 (ii) owned or leased by the permit holder.
- 34 A brewer may not sell or transfer beer directly to a permittee
 35 or consumer from a building described in this clause.
- 36 **(L) Sell the brewery's beer to the holder of a supplemental**
 37 **caterer's permit issued under IC 7.1-3-9.5 for on-premises**
 38 **consumption only at an event that is held outdoors on**
 39 **property that is contiguous to the brewery as approved by**
 40 **the commission.**
- 41 **(M) Receive liquor from the holder of a distiller's permit**
 42 **issued under IC 7.1-3-7 or the holder of an artisan**



1 **distiller's permit under IC 7.1-3-27 that is located in the**
 2 **same county as the brewery for the purpose of carbonating**
 3 **and canning the liquor. Upon the completion of canning of**
 4 **the liquor, the product must be returned to the original**
 5 **production facility within forty-eight (48) hours. The**
 6 **activity under this clause is not an interest under**
 7 **IC 7.1-5-9.**

8 (6) If the brewer's brewery manufactures more than ninety
 9 thousand (90,000) barrels of beer in a calendar year for sale or
 10 distribution within Indiana, the permit holder may own a portion
 11 of the corporate stock of another brewery that:

12 (A) is located in the same county as the brewer's brewery;

13 (B) manufactures less than ninety thousand (90,000) barrels of
 14 beer in a calendar year; and

15 (C) is the proprietor of a restaurant that operates under
 16 subdivision (5).

17 (7) Provide complimentary samples of beer that are:

18 (A) produced by the brewer; and

19 (B) offered to consumers for consumption on the brewer's
 20 premises.

21 (8) Own a portion of the corporate stock of a sports corporation
 22 that:

23 (A) manages a minor league baseball stadium located in the
 24 same county as the brewer's brewery; and

25 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 26 liquor retailer's permit for a restaurant located in that stadium.

27 (9) For beer described in IC 7.1-1-2-3(a)(4):

28 (A) may allow transportation to and consumption of the beer
 29 on the licensed premises; and

30 (B) may not sell, offer to sell, or allow sale of the beer on the
 31 licensed premises.

32 SECTION 19. IC 7.1-3-2-7.5, AS ADDED BY P.L.97-2015,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 7.5. (a) This section applies ~~only if the permit~~
 35 **premises of if:**

36 **(1) a person having an interest in a brewer's permit under**
 37 **section 7(5) of this chapter also has an interest in (†) a farm**
 38 **winery or an artisan distillery; and**

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

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

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



1 winery permit and a brewery permit to which this section applies may
 2 sell by the glass for consumption on the premises ~~(1) the farm winery's~~
 3 wine; and ~~(2) the brewery's beer;~~ from the same service bar, without a
 4 partition, wall, or any other structure separating the service of wine and
 5 the service of beer: **all alcoholic beverages:**

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

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

12 (c) This section does not exempt a permit holder from
 13 complying with permit restrictions that affect the sales and service
 14 of any of the alcoholic beverages manufactured by the production
 15 facilities. If the law applicable to one (1) of the permits under
 16 subsection (a)(2) that the person has an interest in is more
 17 prohibitive or restrictive regarding the presence of a minor in the
 18 bar area of the licensed premises than the law applicable to the
 19 other premises under subsection (a)(2) that the person has an
 20 interest in, the more prohibitive or restrictive law applies to the
 21 single bar area.

22 SECTION 20. IC 7.1-3-4-2, AS AMENDED BY P.L.158-2013,
 23 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The commission shall not
 25 issue a beer retailer's permit, except as otherwise authorized in this title
 26 and subject to the other restrictions contained in this title, to the
 27 following persons:

- 28 (1) An alien.
 29 (2) A person who ~~(A)~~ is not of good moral character and of good
 30 repute in the community in which the person resides. ~~or (B)~~
 31 (3) A person who has been convicted within ten (10) years before
 32 the date of application of:

- 33 ~~(i)~~ (A) a federal crime having a sentence of at least one (1)
 34 year;
 35 ~~(ii)~~ (B) an Indiana Class A, Class B, or Class C felony (for a
 36 crime committed before July 1, 2014) or a Level 1, Level 2,
 37 Level 3, Level 4, or Level 5 felony (for a crime committed
 38 after June 30, 2014); or
 39 ~~(iii)~~ (C) a crime in a state other than Indiana having a penalty
 40 equal to the penalty for an Indiana Class A, Class B, or Class
 41 C felony (for a crime committed before July 1, 2014) or a
 42 Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a



- 1 crime committed after June 30, 2014).
- 2 **However, this subdivision does not apply to a conviction that**
- 3 **has been expunged under IC 35-38-9.**
- 4 ~~(3)~~ **(4)** A person who does not own the premises to which the
- 5 permit will be applicable, or who does not have a bona fide lease
- 6 on the premises for the full period for which the permit is to be
- 7 issued.
- 8 ~~(4)~~ **(5)** A law enforcement officer or an officer who is not an
- 9 elected officer of a municipal corporation, or governmental
- 10 subdivision, or of ~~this state~~, **Indiana**, charged with any duty or
- 11 function in the enforcement of this title.
- 12 ~~(5)~~ **(6)** An officer or employee of a person engaged in the
- 13 alcoholic beverage traffic, which person is a nonresident of ~~this~~
- 14 ~~state~~, **Indiana**, or is engaged in carrying on any phase of the
- 15 manufacture of, traffic in, or transportation of alcoholic beverages
- 16 without a permit under this title when a permit is required by this
- 17 title.
- 18 ~~(6)~~ **(7)** If the permit applicant does not hold a brewer's permit, a
- 19 person who leases from a person, or an officer or agent of that
- 20 person, who holds a brewer's permit or a beer wholesaler's permit.
- 21 ~~(7)~~ **(8)** If the permit applicant does not hold a brewer's permit, a
- 22 person who is indebted to a person who holds a brewer's permit
- 23 or a beer wholesaler's permit, or an officer or agent of that person,
- 24 for a debt secured by a lien, mortgage, or otherwise, upon the
- 25 premises for which the beer retailer's permit is to be applicable,
- 26 or upon any of the property or fixtures on the premises, or used,
- 27 or to be used in connection with the premises.
- 28 ~~(8)~~ **(9)** A person whose place of business is conducted by a
- 29 manager or agent, unless the manager or agent possesses the same
- 30 qualifications required for the issuance of a beer retailer's permit
- 31 to the person.
- 32 ~~(9)~~ **(10)** A minor.
- 33 ~~(10)~~ **(11)** A person non compos mentis.
- 34 ~~(11)~~ **(12)** A person who has held a permit under this title and who
- 35 has had that permit revoked within one (1) year prior to the date
- 36 of application for a beer retailer's permit.
- 37 ~~(12)~~ **(13)** A person who has made an application for a permit of
- 38 any type which has been denied less than one (1) year prior to the
- 39 person's application for a beer retailer's permit unless the first
- 40 application was denied by reason of a procedural or technical
- 41 defect.
- 42 ~~(13)~~ **(14)** A person who is not the proprietor of a restaurant



1 located and being operated on the premises described in the
 2 application for the beer retailer's permit, or of a hotel, or of a club,
 3 owning, or leasing the premises as a part of it. The
 4 disqualification contained in this subdivision shall not apply to
 5 the qualifications for or affect the privileges to be accorded under
 6 a beer dealer's permit or a dining car beer permit.

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

9 SECTION 21. IC 7.1-3-5-2, AS AMENDED BY P.L.214-2016,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 2. (a) As used in this section, "proprietor of a
 12 package liquor store" means the person that:

- 13 (1) holds the financial investment in; and
 14 (2) exercises the financial and operational oversight of;
 15 a package liquor store.

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

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

- 21 (1) the applicant is duly admitted to do business in Indiana;
 22 (2) the sale of beer is within the applicant's corporate powers; and
 23 (3) the applicant is otherwise qualified under this title.

24 (d) Except as provided under IC 7.1-3-21-5.6, the commission may
 25 issue a beer dealer's permit under subsection (c) for the premises of a
 26 package liquor store only if the proprietor of the package liquor store
 27 satisfies the Indiana resident ownership requirements described in
 28 IC 7.1-3-21-5(b), IC 7.1-3-21-5.2(b), or IC 7.1-3-21-5.4(b).

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

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

- 36 (1) held a permit before July 1, 1997; and
 37 (2) is the proprietor of a confectionery or a store that:
 38 (A) is not a drug store, grocery store, or package liquor store;
 39 (B) is in good repute; and
 40 (C) in the judgment of the commission, deals in merchandise
 41 that is not incompatible with the sale of beer.

42 SECTION 22. IC 7.1-3-6-2, AS AMENDED BY P.L.214-2016,



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

11 SECTION 23. IC 7.1-3-6-14 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. **(a) Except as**
 13 **provided in subsection (b),** the holder of a boat beer permit may
 14 purchase beer, possess it, and sell it at retail for consumption only in
 15 the dining room of the boat described in the application. The permit
 16 holder may sell beer only in the course of a run and only one (1) hour
 17 before the boat embarks on the run.

18 **(b) This subsection applies only to the holder of a boat beer**
 19 **permit who operates a jumbo boat. Subject to the approval of the**
 20 **local board of each county where the jumbo boat docks, the holder**
 21 **of a boat beer permit may purchase beer, possess it, and sell it at**
 22 **retail for consumption only on the jumbo boat described in the**
 23 **application. The permit holder may sell beer during the time**
 24 **periods specified under IC 7.1-3-1-14.**

25 SECTION 24. IC 7.1-3-7-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~Scope of Permit.~~ The
 27 holder of a distiller's permit shall be entitled to manufacture liquor, to
 28 rectify it, and to bottle it. A distiller shall enjoy all the privileges
 29 accorded the holder of a rectifier's permit, but ~~he~~ **the distiller** shall not
 30 have to obtain a separate rectifier's permit nor pay an additional fee. A
 31 distiller shall be entitled to transport liquor and to sell and deliver it in
 32 shipments to points outside this state, or to the holder of a liquor
 33 wholesaler's permit, or to the holder of a rectifier's permit. A distiller
 34 may not sell liquor to a consumer, nor to a person for the purpose of
 35 having it retailed by ~~him~~; **the person**, whether that person holds a
 36 liquor retailer's permit under this title or not. **A distiller may transport**
 37 **liquor to and from a brewery located within the same county for**
 38 **the purposes of carbonating and canning by the brewery. The**
 39 **activity under this section is not an interest under IC 7.1-5-9.**

40 SECTION 25. IC 7.1-3-9.5-3, AS AMENDED BY P.L.85-2017,
 41 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 3. The holder of a supplemental caterer's permit



1 is entitled to purchase alcoholic beverages only from:

- 2 **(1) a brewery as described in IC 7.1-3-2-7(5)(M);**
 3 **(2) a farm winery as described in IC 7.1-3-12-5(a)(13); and**
 4 **(3) any other** a permittee entitled to sell to the holder under this
 5 title.

6 Except as provided in IC 7.1-3-6.1, ~~and~~ IC 7.1-3-6.2, **and**
 7 **IC 7.1-3-21-14**, the holder of a supplemental caterer's permit is entitled
 8 to sell alcoholic beverages only for on-premises consumption at those
 9 locations approved by the commission and at times lawful under the
 10 holder's retailers' permits. Except as provided in IC 7.1-3-6.1, ~~and~~
 11 IC 7.1-3-6.2, **and IC 7.1-3-21-14**, the holder of a supplemental
 12 caterer's permit is not entitled to sell alcoholic beverages at wholesale,
 13 nor for carry-out or at-home delivery.

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

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

27 SECTION 28. IC 7.1-3-11-10 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. ~~Scope of Permit:~~ **(a)**
 29 The holder of a boat liquor permit shall enjoy the same privileges and
 30 be subject to the same conditions, restrictions, and limitations in regard
 31 to liquor under ~~his the~~ permit as is provided in the case of the holder
 32 of a boat beer permit in regard to beer under ~~his the~~ permit.

33 **(b) Subject to the approval of the local board of each county**
 34 **where the jumbo boat docks, the holder of a boat liquor permit**
 35 **who operates a jumbo boat shall enjoy the same privileges and be**
 36 **subject to the same conditions, restrictions, and limitations in**
 37 **regard to liquor under the permit as is provided in the case of the**
 38 **holder of a boat beer permit described in IC 7.1-3-6-14(b) who**
 39 **operates a jumbo boat.**

40 SECTION 29. IC 7.1-3-12-2 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~Scope of Permit:~~ The
 42 holder of a vintner's permit is entitled to manufacture wine and to bottle



1 it or place it in other containers, **including boxes that contain a bag**
 2 **designed to store and dispense wine, and bulk containers. He A**
 3 **vintner** also is entitled to transport wine and either to sell it, or deliver
 4 it, or both, in shipments to points outside this state, and to a wine
 5 wholesaler, and to another vintner. A vintner is not entitled to rectify
 6 or fortify wine unless ~~he~~ **the vintner** is also the holder of either a
 7 distiller's permit, or a rectifier's permit, or both. A vintner is not entitled
 8 to sell to a consumer or to a permittee who sells wine at retail. A
 9 vintner is entitled to advertise the name and address of any retailer or
 10 dealer who sells wine produced by ~~his~~ **the vintner's** winery.

11 SECTION 30. IC 7.1-3-12-5, AS AMENDED BY P.L.270-2017,
 12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 5. (a) The holder of a farm winery permit:

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

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

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

22 (B) completes a server training program approved by the
 23 commission;

24 (3) is entitled to sell the winery's wine on the licensed premises to
 25 consumers either by: ~~the:~~

26 (A) ~~the~~ glass; ~~or by the~~

27 (B) ~~the~~ bottle; ~~or both;~~

28 (C) **a box that contains a bag designed for storing and**
 29 **dispensing wine; or**

30 (D) **any combination of receptacles listed in clauses (A)**
 31 **through (C);**

32 (4) is entitled to sell the winery's wine to consumers by the bottle
 33 at a farmers' market that is operated on a nonprofit basis;

34 (5) is entitled to sell wine by: ~~the:~~

35 (A) ~~the~~ bottle; ~~or by the~~

36 (B) **a box that contains a bag designed for storing and**
 37 **dispensing wine;**

38 (C) **bulk container;**

39 (D) **the case; or**

40 (E) **any combination of receptacles listed in clauses (A)**
 41 **through (D);**

42 to a person who is the holder of a permit to sell wine at wholesale;



- 1 (6) is exempt from the provisions of IC 7.1-3-14;
 2 (7) is entitled to advertise the name and address of any retailer or
 3 dealer who sells wine produced by the permit holder's winery;
 4 (8) for wine described in IC 7.1-1-2-3(a)(4):
 5 (A) may allow transportation to and consumption of the wine
 6 on the licensed premises; and
 7 (B) may not sell, offer to sell, or allow the sale of the wine on
 8 the licensed premises;
 9 (9) is entitled to purchase and sell bulk wine as set forth in this
 10 chapter;
 11 (10) is entitled to sell wine as authorized by this section for
 12 carryout on Sunday; ~~and~~
 13 (11) is entitled to sell and ship the farm winery's wine to a person
 14 located in another state in accordance with the laws of the other
 15 state; **and**
 16 **(12) is entitled to sell the farm winery's wine to the holder of**
 17 **a supplemental caterer's permit issued under IC 7.1-3-9.5 for**
 18 **on-premises consumption only at an event that is held**
 19 **outdoors on property that is contiguous to the farm winery as**
 20 **approved by the commission.**
 21 (b) With the approval of the commission, a holder of a permit under
 22 this chapter may conduct business at not more than three (3) additional
 23 locations that are separate from the winery. At the additional locations,
 24 the holder of a permit may conduct any business that is authorized at
 25 the first location, except for the manufacturing or bottling of wine.
 26 (c) With the approval of the commission, a holder of a permit under
 27 this chapter may:
 28 (1) individually; or
 29 (2) with other permit holders under this chapter, holders of artisan
 30 distiller's permits, holders of brewer's permits issued under
 31 IC 7.1-3-2-2(b), or any combination of holders described in this
 32 subdivision;
 33 participate in a trade show or an exposition at which products of each
 34 permit holder participant are displayed, promoted, and sold. All of the
 35 permit holders may occupy the same tent, structure, or building. The
 36 commission may not grant approval under this subsection to a holder
 37 of a permit under this chapter for more than forty-five (45) days in a
 38 calendar year.
 39 SECTION 31. IC 7.1-3-12-7.5, AS ADDED BY P.L.97-2015,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 7.5. (a) This section applies if: ~~the permit~~
 42 ~~premises of any combination of the following:~~



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

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

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

33 SECTION 32. IC 7.1-3-16-4 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. **Scope of Permit. (a)**
 35 **The holder of a boat wine permit shall enjoy the same privileges and be**
 36 **subject to the same conditions, restrictions, and limitations in regard to**
 37 **wine under his the permit as is provided in the case of the holder of a**
 38 **boat beer permit in regard to beer under his the permit.**

39 **(b) Subject to the approval of the local board of each county**
 40 **where the jumbo boat docks, the holder of a boat wine permit who**
 41 **operates a jumbo boat shall enjoy the same privileges and be**
 42 **subject to the same conditions, restrictions, and limitations in**



1 **regard to wine under the permit as is provided in the case of the**
 2 **holder of a boat beer permit described in IC 7.1-3-6-14(b) who**
 3 **operates a jumbo boat.**

4 SECTION 33. IC 7.1-3-16-6, AS AMENDED BY P.L.214-2016,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 6. The commission may issue a temporary wine
 7 permit to a person who is qualified to hold a beer retailer's permit and
 8 who has such other qualifications as the commission may prescribe by
 9 a provisional order until it adopts a rule or regulation on the matter.
 10 However, the special disqualifications listed in ~~IC 7.1-3-4-2(a)(3);~~
 11 ~~IC 7.1-3-4-2(a)(8); and IC 7.1-3-4-2(a)(13);~~ **IC 7.1-3-4-2(a)(4),**
 12 **IC 7.1-3-4-2(a)(9), and IC 7.1-3-4-2(a)(14),** and the residency
 13 requirements provided in IC 7.1-3-21-3, shall not apply to an applicant
 14 for a temporary wine permit.

15 SECTION 34. IC 7.1-3-20-9.5, AS AMENDED BY P.L.86-2018,
 16 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2019]: Sec. 9.5. (a) This section applies only to
 18 a retailer's permit for a restaurant.

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

- 21 (1) A city market under IC 7.1-3-20-25.
- 22 (2) A marina under IC 7.1-3-1-25.
- 23 (3) A state park under IC 7.1-3-17.8.
- 24 (4) A golf course.
- 25 (5) A hotel or resort hotel.
- 26 (6) A social or fraternal club.
- 27 (7) A restaurant, the proprietor of which is the holder of a
 28 brewer's permit under IC 7.1-3-2-7(5).

29 (c) Except as provided in subsections (d) and (e), after May 14,
 30 2017, a retailer permittee may not sell alcoholic beverages for carryout
 31 unless at least sixty percent (60%) of the retailer permittee's gross retail
 32 income from the sale of alcoholic beverages is derived from the sale of
 33 alcoholic beverages for consumption on the licensed premises.

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



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

3 (1) issued; or

4 (2) transferred to the premises location;

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

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

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

24 (2) for carryout;

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

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

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

40 (i) An applicant:

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



1 (2) for carryout privileges that:

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

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

6 must provide the commission with a verified certification stating that
7 the projected gross retail income from alcoholic beverage sales during
8 the business's first two (2) years of operations with carryout privileges
9 will meet the requirements of subsection (c). Not more than one
10 hundred eighty (180) days after the date the applicant begins or
11 resumes alcoholic beverage sales with carryout privileges, the applicant
12 shall provide a financial statement with sufficient information to show
13 that during the first one hundred twenty (120) days of business
14 operations with carryout privileges, sixty percent (60%) of the gross
15 retail income from all alcoholic beverage sales was derived from sales
16 of alcoholic beverages for consumption on the premises.

17 (j) The commission may:

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

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

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

26 (1) to the department of state revenue to verify the accuracy of the
27 amount of gross retail income from sales of alcoholic beverages;
28 and

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

33 (l) Notwithstanding IC 6-8.1-7-1 or any other law, in fulfilling its
34 obligations under this section, the department of state revenue may
35 provide confidential information to the commission. The commission
36 shall maintain the confidentiality of information provided by the
37 department of state revenue under this chapter. However, the
38 commission may disclose the information in any administrative or
39 judicial proceeding to revoke or suspend the holder's permit as a result
40 of any information provided by the department of state revenue.

41 (m) If the commission does not grant or renew a retailer permittee's
42 carryout privileges, the denial shall not affect the other rights,



1 privileges, and restrictions of the retailer's permit, including the retailer
 2 permittee's ability to sell alcoholic beverages for on-premises
 3 consumption.

4 SECTION 35. IC 7.1-3-20-13.6 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13.6. (a) As used in this
 6 section, "clubhouse" means a facility:

7 (1) that is located on a golf course; and

8 (2) where alcoholic beverages are sold under a retailer's permit or
 9 a club permit issued by the commission.

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

14 (1) Is on the same golf course premises as the clubhouse.

15 (2) Is within reasonable proximity of the clubhouse.

16 (3) Provides minimum food service.

17 (4) Has a floor plan or design that meets the following
 18 requirements:

19 (A) Is on file with the commission.

20 (B) Has been approved by the commission.

21 (c) All employees of a permittee described in subsection (b), who
 22 are involved in the furnishing, supplying, conveying, selling or serving
 23 of alcoholic beverages, shall have an employee's permit or bartender's
 24 permit, as applicable.

25 SECTION 36. IC 7.1-3-20-16, AS AMENDED BY P.L.214-2016,
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 16. (a) A permit that is authorized by this section
 28 may be issued without regard to the quota provisions of IC 7.1-3-22.

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

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

41 (1) was formerly used as part of a union railway station;

42 (2) has been listed in or is within a district that has been listed in



1 the federal National Register of Historic Places maintained
 2 pursuant to the National Historic Preservation Act of 1966, as
 3 amended; and

4 (3) has been redeveloped or renovated, with the redevelopment or
 5 renovation being funded in part with grants from the federal,
 6 state, or local government.

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

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

14 (1) on land; or

15 (2) in a historic river vessel;

16 within a municipal riverfront development project funded in part with
 17 state and city money. The ownership of a permit issued under this
 18 subsection and the location for which the permit was issued may not be
 19 transferred. The legislative body of the municipality in which the
 20 municipal riverfront development project is located shall recommend
 21 to the commission sites that are eligible to be permit premises. The
 22 commission shall consider, but is not required to follow, the municipal
 23 legislative body's recommendation in issuing a permit under this
 24 subsection. A permit holder and any lessee or proprietor of the permit
 25 premises are subject to the formal written commitment required under
 26 IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if
 27 business operations cease at the permit premises for more than six (6)
 28 months, the permit shall revert to the commission. The permit holder
 29 is not entitled to any refund or other compensation.

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

35 (1) a building that:

36 (†) (A) was formerly used as part of a passenger and freight
 37 railway station; and

38 (‡) (B) was built before 1900; or

39 (2) a complex of buildings that:

40 (A) is part of an economic development area established
 41 under IC 36-7-14; and

42 (B) includes, as part of the renovation project, the use and



- 1 **repurposing of two (2) or more buildings and structures**
 2 **that are:**
 3 **(i) at least seventy-five (75) years old; and**
 4 **(ii) located at a site at which manufacturing previously**
 5 **occurred over a period of at least seventy-five (75) years.**

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

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

12 (1) A town that:

13 (A) is located in a county having a population of more than
 14 four hundred thousand (400,000) but less than seven hundred
 15 thousand (700,000); and

16 (B) has a population of more than twenty thousand (20,000)
 17 but less than twenty-three thousand seven hundred (23,700).

18 (2) A city that has an indoor theater as described in section 26 of
 19 this chapter.

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

27 (1) The district has been listed in the National Register of Historic
 28 Places maintained under the National Historic Preservation Act
 29 of 1966, as amended.

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

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

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

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



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

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

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

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

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

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



1 district, or not more than five hundred (500) feet from a district, that
2 meets all of the following requirements:

- 3 (1) The district is within an economic development area, an area
4 needing redevelopment, or a redevelopment district as established
5 under IC 36-7-14.
6 (2) A unit of the National Park Service is partially located within
7 the district.
8 (3) An international deep water seaport is located within the
9 district.

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

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

39 (k) Except as provided in section 16.3 of this chapter, the
40 commission may issue not more than nine (9) new three-way permits
41 to sell alcoholic beverages for on-premises consumption to applicants,
42 each of whom must be a proprietor, as owner or lessee, or both, of a



- 1 restaurant located:
- 2 (1) within a motorsports investment district (as defined in
- 3 IC 5-1-17.5-11); or
- 4 (2) not more than one thousand five hundred (1,500) feet from a
- 5 motorsports investment district.

6 The ownership of a permit issued under this subsection and the location

7 for which the permit was issued shall not be transferred. If the

8 commission issues nine (9) new permits under this subsection, and a

9 permit issued under this subsection is later revoked or is not renewed,

10 the commission may issue another new permit, as long as the total

11 number of active permits issued under this subsection does not exceed

12 nine (9) at any time. A permit holder and any lessee or proprietor of the

13 permit premises are subject to the formal written commitment required

14 under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 **and**

15 **IC 7.1-3-1.1**, if business operations cease at the permit premises for

16 more than six (6) months, the permit shall revert to the commission.

17 The permit holder is not entitled to any refund or other compensation.

18 (l) Except as provided in section 16.3 of this chapter, the

19 commission may issue not more than two (2) new three-way permits to

20 sell alcoholic beverages for on-premises consumption for premises

21 located within a qualified motorsports facility (as defined in

22 IC 5-1-17.5-14). The ownership of a permit issued under this

23 subsection and the location for which the permit was issued shall not

24 be transferred. If the commission issues two (2) new permits under this

25 subsection, and a permit issued under this subsection is later revoked

26 or is not renewed, the commission may issue another new permit, as

27 long as the total number of active permits issued under this subsection

28 does not exceed two (2) at any time. A permit holder and any lessee or

29 proprietor of the permit premises are subject to the formal written

30 commitment required under IC 7.1-3-19-17. Notwithstanding

31 IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if business operations cease at the

32 permit premises for more than six (6) months, the permit shall revert

33 to the commission. The permit holder is not entitled to any refund or

34 other compensation.

35 SECTION 37. IC 7.1-3-20-16.8, AS ADDED BY P.L.214-2016,

36 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

37 JULY 1, 2019]: Sec. 16.8. (a) A permit that is authorized by this

38 section may be issued without regard to the quota provisions of

39 IC 7.1-3-22.

40 (b) Except as provided in section 16.3 of this chapter, the

41 commission may issue not more than four (4) new three-way permits

42 to sell alcoholic beverages for on-premises consumption to applicants



- 1 in each of the following municipalities:
- 2 (1) Whitestown.
- 3 (2) Lebanon.
- 4 (3) Zionsville.
- 5 (4) Westfield.
- 6 (5) Carmel.
- 7 (6) Fishers.
- 8 (c) The following apply to permits issued under this section:
- 9 (1) An applicant for a permit under this section must be a
- 10 proprietor, as owner or lessee, or both, of a restaurant located
- 11 within an economic development area, an area needing
- 12 redevelopment, or a redevelopment district as established under
- 13 IC 36-7-14 in a municipality's:
- 14 (A) downtown redevelopment district; or
- 15 (B) downtown economic revitalization area.
- 16 (2) The cost of an initial permit is forty thousand dollars
- 17 (\$40,000).
- 18 (3) The total number of active permits issued under this section
- 19 may not exceed twenty-four (24) permits at any time. If any of the
- 20 permits issued under this section are revoked or not renewed, the
- 21 commission may issue only enough new permits to bring the total
- 22 number of permits to twenty-four (24) active permits, with not
- 23 more than four (4) in each municipality listed in subsection (b)(1)
- 24 through (b)(6).
- 25 (4) The municipality may adopt an ordinance under
- 26 IC 7.1-3-19-17 requiring a permit holder to enter into a formal
- 27 written commitment as a condition of eligibility for a permit. As
- 28 set forth in IC 7.1-3-19-17(b), a formal written commitment is
- 29 binding on the permit holder and on any lessee or proprietor of
- 30 the permit premises.
- 31 (5) Notwithstanding IC 7.1-3-1-3.5 **and IC 7.1-3-1.1**, if business
- 32 operations cease at the permit premises for more than six (6)
- 33 months, the permit shall revert to the commission and the permit
- 34 holder is not entitled to any refund or other compensation.
- 35 (6) Except as provided in subdivision (8), the ownership of a
- 36 permit may not be transferred.
- 37 (7) A permit may not be transferred from the premises for which
- 38 the permit was issued.
- 39 (8) If the area in which the permit premises is located is no longer
- 40 designated an economic development area, an area needing
- 41 redevelopment, or a redevelopment district, a permit issued under
- 42 this section may be renewed, and the ownership of the permit may



- 1 be transferred, but the permit may not be transferred from the
 2 permit premises.
- 3 SECTION 38. IC 7.1-3-20-22 IS REPEALED [EFFECTIVE JULY
 4 1, 2019]. ~~Sec. 22. Resort Hotels: Seasonal Permits: The commission~~
 5 ~~may grant a seasonal permit to a resort hotel upon the application of its~~
 6 ~~owner or manager if he possesses the same qualifications that are~~
 7 ~~required for the issuance of corresponding permits to other applicants.~~
 8 ~~The seasonal permit shall entitle the permittee to sell beer, liquor, or~~
 9 ~~wine, from the fifteenth day of April to the fifteenth day of October,~~
 10 ~~both dates inclusive.~~
- 11 SECTION 39. IC 7.1-3-20-28 IS ADDED TO THE INDIANA
 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: **Sec. 28. A retailer permittee may**
 14 **sell or dispense alcoholic beverages for on-premises consumption**
 15 **only in an outdoor beer garden that:**
- 16 (1) has a bar;
 - 17 (2) is accessible only through the permit premises; and
 - 18 (3) is a defined area that is enclosed by:
 - 19 (A) the outside walls of the permit premises; or
 - 20 (B) a nontransparent wall that is at least seventy-two (72)
 - 21 inches in height.
- 22 SECTION 40. IC 7.1-3-20-28.5 IS ADDED TO THE INDIANA
 23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: **Sec. 28.5. (a) This section applies to**
 25 **the premises of a:**
- 26 (1) civic center permit; or
 - 27 (2) retail permit that operates as a recreational facility
 - 28 offering bowling, arcade games, and outside volleyball courts
 - 29 or other outside recreational games on the licensed premises.
 - 30 (b) In accordance with subsection (c), the holder of a:
 - 31 (1) civic center permit; or
 - 32 (2) retail permit described in subsection (a)(2) which has a
 - 33 gross business of at least one million dollars (\$1,000,000) in
 - 34 the retail sale of food;
- 35 may, subject to the approval of the commission, sell or dispense
 36 alcoholic beverages for which the permittee holds the appropriate
 37 permit, for on-premises consumption only, from a bar that is
 38 located on an outside patio, porch, veranda, terrace, or rooftop of
 39 a building that is contiguous to the main building of the licensed
 40 premises.
- 41 (c) The holder of the civic center or retail permit described in
 42 subsection (a)(2) may sell or dispense alcoholic beverages as



1 provided under subsection (b) only if all the following conditions
2 are met:

3 (1) The outside area described in subsection (b) is:

4 (A) part of the licensed premises; and

5 (B) clearly delineated in some manner by a fence, hedge,
6 rail, wall, or similar barrier.

7 (2) Except as provided in IC 7.1-5-7-11, if minors are allowed
8 on the premises:

9 (A) the bar area must be separated from the outside dining
10 area where minors may be served by a structure or barrier
11 that reasonably deters free access and egress, without
12 requirement for doors or gates; and

13 (B) a conspicuous sign must be posted by the barrier
14 described in clause (A) stating that minors may not cross
15 the barrier to enter the bar area.

16 SECTION 41. IC 7.1-3-20-29 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) As used in this section,
19 "food hall" means the premises:

20 (1) located within a retail shopping and food service district;
21 and

22 (2) to which a master permit is issued under this section.

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

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

29 (1) The district consists of an area that:

30 (A) has been redeveloped, renovated, or environmentally
31 remediated in part with grants from the federal, state, or
32 local government under IC 36-7-11; and

33 (B) is entirely located within an incorporated city or town.

34 (2) The district consists of land and a building or group of
35 buildings that are part of a common development.

36 (3) The district is located within a locally designated historic
37 district under IC 36-7-11 established by a city or town
38 ordinance.

39 (4) The district contains at least one (1) building that:

40 (A) is on the list of the National Register for Historic Places
41 or qualifies as a historic building worthy of preservation
42 under IC 36-7-11; and



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



- 1 withholding taxes required to be remitted IC 6-3-4.
 2 **(2) Each vendor permittee shall conform to all health and**
 3 **safety requirements of local and state agencies.**
 4 **(3) Each vendor permittee shall comply with all requirements**
 5 **under IC 7.1-5-9-15.**
 6 **(4) Each vendor permittee shall comply with IC 7.1-5-10-20**
 7 **with regard to the vendor permittee's own food and beverage**
 8 **vending space. However, IC 7.1-5-10-20 does not prohibit a**
 9 **vendor permittee from establishing sale prices for drinks that**
 10 **are different from the sale prices for comparable drinks that**
 11 **are set by other vendor permittees.**
 12 **(5) Each vendor permittee is not required to comply with**
 13 **section 9(b) of this chapter.**
 14 **(6) Each vendor permittee is responsible to the commission**
 15 **for any and all violations of alcohol laws and rules associated**
 16 **with the vendor's permit.**
 17 **(7) Each applicant for a vendor's permit must comply with**
 18 **905 IAC 1-36-1 and 905 IAC 1-36-2 and appear before the**
 19 **local alcohol board in the county in which the food hall**
 20 **vendor's permit will be situated. The local board shall only**
 21 **hear evidence on and determine the vendor's permit**
 22 **applicant's eligibility to hold a vendor's permit.**
 23 **(8) Any vendor permittee that desires to relocate its food and**
 24 **beverage space within the food hall premises may relocate**
 25 **upon the commission's approval of a floor plan change.**
 26 **(e) A vendor's permit authorized by this section may be issued**
 27 **without regard to the proximity provisions of IC 7.1-3-21-11 or the**
 28 **quota provisions of IC 7.1-3-22.**
 29 **(f) A vendor's permit may not be transferred to a location**
 30 **outside the permit premises of the food hall. A vendor's permit that**
 31 **is inactive for more than six (6) months shall revert back to the**
 32 **commission or may be deposited with the commission subject to**
 33 **the approval of the commission.**
 34 SECTION 43. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015,
 35 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 11. (a) As used in this section, "wall" means a
 37 wall of a building. The term does not include a boundary wall.
 38 (b) Except as provided in subsections (c), ~~and~~ (g), **and (h)**, the
 39 commission may not issue a permit for a premises if a wall of the
 40 premises is situated within two hundred (200) feet from a wall of a
 41 school or church, if no permit has been issued for the premises under
 42 the provisions of Acts 1933, Chapter 80.



- 1 (c) This section does not apply to the premises of a:
 2 (1) grocery store, drug store, restaurant, hotel, catering hall, or
 3 location for which the use of a supplemental catering permit has
 4 been approved if:
 5 (A) a wall of the premises is situated within two hundred (200)
 6 feet from a wall of a church or school;
 7 (B) the commission receives a written statement from the
 8 authorized representative of the church or school stating
 9 expressly that the church or school does not object to the
 10 issuance of the permit for the premises; and
 11 (C) the commission determines that the church or school does
 12 not object to the issuance of the permit for the premises; or
 13 (2) church or school that applies for a temporary beer or wine
 14 permit.
 15 (d) The commission shall base its determination under subsection
 16 (c)(1)(C) solely on the written statement of the authorized
 17 representative of the church or school.
 18 (e) If the commission does not receive the written statement of the
 19 authorized representative of the church or school, the premises of the
 20 grocery store, drug store, restaurant, hotel, catering hall, or location for
 21 which the use of a supplemental catering permit has been approved
 22 may not obtain the waiver allowed under this section.
 23 (f) If the commission determines that the church or school does not
 24 object, this section and IC 7.1-3-21-10 do not apply to the permit
 25 premises of the grocery store, drug store, restaurant, hotel, or catering
 26 hall on a subsequent renewal or transfer of ownership.
 27 (g) If the commission:
 28 (1) receives a written statement from the authorized
 29 representative of a church or school as described in subsection
 30 (c)(1)(B); and
 31 (2) determines the church or school does not object as described
 32 in subsection (c)(1)(C);
 33 the commission may not consider subsequent objections from the
 34 church or school to the issuance of the same permit type at the same
 35 premises location.
 36 **(h) The commission may issue a permit for a premises if the wall**
 37 **of the premises and the wall of a church are separated by at least**
 38 **eighty-five (85) feet, including a two (2) lane road of at least thirty**
 39 **(30) feet in width.**
 40 SECTION 44. IC 7.1-3-21-14, AS AMENDED BY P.L.28-2014,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 14. (a) The commission shall issue a permit for



1 the sale of alcoholic beverages on the Indiana state fair grounds to the
2 Indiana state fair commission.

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

5 (1) **A permit holder is** entitled to sell alcoholic beverages on the
6 state fair grounds to consumers by the glass.

7 **(2) The state fair commission is entitled to permit a brewery**
8 **under IC 7.1-3-2-7(5), a farm winery under IC 7.1-3-12, or an**
9 **artisan distillery under IC 7.1-3-27 to sell alcoholic beverages**
10 **produced by that permittee for consumption off the state fair**
11 **grounds in addition to selling alcoholic beverages by the glass,**
12 **including at a location on the property of the state**
13 **fairgrounds for which a supplemental caterer's permit has**
14 **been approved.**

15 ~~(2)~~ **(3) A permit holder is** entitled to permit multiple vendors of
16 the state fair commission with separate permits at different
17 locations on the state fair grounds to sell alcoholic beverages by
18 the glass under the permit.

19 ~~(3)~~ **(4) A permit holder is** entitled to receive the permit directly
20 from the commission without local board approval.

21 ~~(4)~~ **(5) A permit holder is** not subject to quota restrictions under
22 IC 7.1-3-22-3, and

23 ~~(5)~~ **(6) A permit holder is** entitled to allow a minor to be present
24 in the places where alcoholic beverages are sold.

25 (c) The holder of a permit under this section must comply with the
26 following requirements:

27 (1) File a floor plan of the premises where alcoholic beverages
28 will be served and consumed.

29 (2) Provide that service of alcoholic beverages may be performed
30 only by servers certified under IC 7.1-3-1.5.

31 (3) Allow sales during the times prescribed under IC 7.1-3-1-14.

32 (4) Prohibit sales prohibited under IC 7.1-5-10-1.

33 (5) Operate under rules adopted by the commission to protect the
34 public interest under IC 7.1-1-1.

35 SECTION 45. IC 7.1-3-22-9 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) This section
37 applies to any permit that is subject to the quota provisions of this
38 chapter unless ~~that~~ **the** permit is obtained by sale, assignment, or
39 transfer under IC 7.1-3-24.

40 (b) Whenever a permit to which this chapter applies becomes
41 available, the commission shall offer an opportunity to bid for that
42 permit to all persons who are qualified to receive that permit and who



1 have indicated a desire to obtain that permit. The commission shall
 2 receive bids at an auction that it conducts. The highest bidder at the
 3 commission's auction who is qualified to receive the permit in all
 4 respects, including a determination by the local board that the person:

5 **(1) is of good moral character and does not have a conviction**
 6 **described in IC 7.1-3-4-2(a)(3) that has not been expunged**
 7 **under IC 35-38-9; and**

8 **(2) is of good repute in the community in which that person**
 9 **resides;**

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

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

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

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

19 SECTION 46. IC 7.1-3-23-2, AS AMENDED BY P.L.3-2008,
 20 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 2. (a) The commission may:

22 (1) fine or suspend or revoke the permit **or certificate** of; or

23 (2) fine and suspend or revoke the permit **or certificate** of;

24 a permittee for the violation of a provision of this title or of a rule or
 25 regulation of the commission. The commission may fine a permittee for
 26 each day the violation continues if the violation is of a continuing
 27 nature.

28 (b) The commission shall revoke the permit of a permittee for the
 29 violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4. A finding
 30 that a permittee has violated IC 35-45-5-3, IC 35-45-5-3.5, or
 31 IC 35-45-5-4 must be supported by a preponderance of the evidence.

32 SECTION 47. IC 7.1-3-25.5 IS ADDED TO THE INDIANA CODE
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]:

35 **Chapter 25.5. Distribution Agreements Between Beer**
 36 **Wholesalers and Suppliers**

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

38 **(1) "Good cause" includes:**

39 **(A) a revocation or suspension for more than fourteen (14)**
 40 **days of a beer wholesaler's federal basic permit or permit**
 41 **under this title;**

42 **(B) the assignment or attempted assignment by a beer**



1 wholesaler for the benefit of creditors, the institution of
 2 bankruptcy proceedings by or against a beer wholesaler,
 3 the dissolution or liquidation of a beer wholesaler, the
 4 insolvency of a beer wholesaler, or a beer wholesaler's
 5 failure to pay a supplier for products in accordance with
 6 the approved terms;

7 (C) a failure by a beer wholesaler to substantially comply,
 8 without reasonable excuse or justification, with any
 9 reasonable and material provision of the distribution
 10 agreement, after the supplier has provided the beer
 11 wholesaler with notice of its failure to comply with the
 12 distribution agreement and an opportunity to cure any
 13 breach as required under section 2(c) of this chapter;

14 (D) fraudulent conduct by a beer wholesaler in any
 15 dealings with a supplier or the supplier's products; or

16 (E) a failure by any owner of the beer wholesaler to sell the
 17 person's ownership interest within one hundred twenty
 18 (120) days after:

19 (i) the date judgment is entered against the owner for a
 20 felony conviction which, in the reasonable judgment of
 21 the supplier, may adversely affect the goodwill or
 22 interests of the beer wholesaler or supplier; or

23 (ii) the supplier learns of the conviction described in item
 24 (i);

25 whichever is later.

26 (2) "Supplier" means a primary source of supply.

27 Sec. 2. (a) If a supplier immediately cancels, terminates, or
 28 refuses to renew a distribution agreement for good cause, the
 29 supplier shall provide the beer wholesaler with written notice of its
 30 action.

31 (b) Except as provided in subsection (d), a supplier may not
 32 amend, cancel, terminate, or refuse to renew a distribution
 33 agreement with a beer wholesaler unless the supplier:

34 (1) has satisfied the notice and opportunity to cure
 35 requirements under subsection (c), if applicable;

36 (2) has acted in good faith;

37 (3) has good cause to amend, cancel, terminate, or refuse to
 38 renew the distribution agreement; and

39 (4) has amended, cancelled, terminated, or refused to renew
 40 a distribution agreement with due regard for the equities of
 41 the beer wholesaler.

42 (c) Except as provided in subsection (d), and subject to



1 subsection (e), a supplier who intends to amend, cancel, terminate,
 2 or refuse to renew a distribution agreement with a beer wholesaler
 3 shall:

4 (1) provide written notice to the beer wholesaler at least one
 5 hundred twenty (120) days before the date the supplier
 6 intends to amend, cancel, terminate, or refuse to renew the
 7 distribution agreement; and

8 (2) provide the beer wholesaler with the opportunity to
 9 substantially cure any deficiency within the one hundred
 10 twenty (120) day period described in subdivision (1).

11 (d) Notwithstanding subsection (b) or (c), a supplier has the
 12 right to amend, cancel, terminate, or refuse to renew its
 13 distribution agreement with a beer wholesaler if the supplier:

14 (1) provides ninety (90) days written notice of the amendment,
 15 cancellation, termination, or refusal to renew; and

16 (2) gives a similar written notice to all other beer wholesalers
 17 in the United States who have entered into the same
 18 distribution agreement with the supplier.

19 (e) A notice described in this section must:

20 (1) be sent by certified mail; and

21 (2) contain all the following:

22 (A) The effective date of the intended amendment,
 23 cancellation, termination, or refusal of renewal of the
 24 distribution agreement.

25 (B) A statement of the:

26 (i) nature of; and

27 (ii) reason for;

28 the intended amendment, cancellation, termination, or
 29 refusal to renew.

30 (f) An amendment, cancellation, termination, or refusal of
 31 renewal of a distribution agreement with a beer wholesaler is not
 32 effective unless the supplier meets the requirements of this chapter.

33 Sec. 3. (a) A provision of this chapter may not be waived.

34 (b) If a beer wholesaler enters or has entered into a distribution
 35 agreement, supplemental agreement, amendment, or any other
 36 agreement with a supplier that waives a law, the beer wholesaler
 37 does not waive the beer wholesaler's rights protected under this
 38 chapter.

39 SECTION 48. IC 7.1-3-27-6, AS AMENDED BY P.L.79-2015,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 6. (a) A holder of an artisan distiller's permit may
 42 also hold one (1) or more of one (1) of the following:



- 1 (1) ~~A~~ Farm winery ~~permit.~~ **permits.**
 2 (2) ~~A~~ Brewer's ~~permit~~ **permits** issued under IC 7.1-3-2-2(b).
 3 (3) ~~A~~ Distiller's ~~permit~~ **permits** under IC 7.1-3-7.
 4 (b) A holder of an artisan distiller's permit who also holds a permit
 5 described under subsection (a)(2) may hold a beer retailer's permit, a
 6 wine retailer's permit, or a liquor retailer's permit for a restaurant as
 7 described in IC 7.1-3-2-7(5)(C).
 8 SECTION 49. IC 7.1-3-27-8, AS AMENDED BY P.L.270-2017,
 9 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 8. (a) The holder of an artisan distiller's permit
 11 may do only the following:
 12 (1) Manufacture liquor, including blending liquor purchased from
 13 another manufacturer with liquor the artisan distiller
 14 manufactures under section 11 of this chapter.
 15 (2) Bottle liquor manufactured by the artisan distiller.
 16 (3) Store liquor manufactured by the artisan distiller, including at
 17 a facility within ten (10) miles of the artisan distiller's distillery.
 18 (4) Transport, sell, and deliver liquor manufactured by the artisan
 19 distiller to:
 20 (A) places outside Indiana; or
 21 (B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.
 22 (5) Sell liquor manufactured by the artisan distiller to consumers
 23 by the drink, bottle, or case from the premises of the distillery
 24 where the liquor was manufactured.
 25 (6) Serve complimentary samples of the liquor manufactured by
 26 the artisan distiller to consumers on the premises of the distillery
 27 where the liquor was manufactured.
 28 (7) Sell liquor as authorized by this section for carryout on
 29 Sunday in a quantity at any one (1) time of not more than four and
 30 five-tenths (4.5) liters.
 31 (8) With the approval of the commission, participate:
 32 (A) individually; or
 33 (B) with other permit holders under this chapter, holders of
 34 farm winery permits, holders of brewer's permits issued under
 35 IC 7.1-3-2-2(b), or any combination of holders described in
 36 this clause;
 37 in a trade show or an exposition at which products of each permit
 38 holder participant are displayed, promoted, and sold. All of the
 39 permit holders may occupy the same tent, structure, or building.
 40 The commission may not grant to a holder of a permit under this
 41 chapter approval under this subdivision to participate in a trade
 42 show or exposition for more than forty-five (45) days in a



1 calendar year.

2 (b) The holder of an artisan distiller's permit who provides samples
3 or sells liquor by the glass must furnish the minimum food
4 requirements prescribed by the commission.

5 (c) A storage facility used by an artisan distiller under subsection
6 (a)(3):

- 7 (1) must conform with federal laws, rules, and regulations; and
8 (2) must not be used for any purposes except for the storage of
9 liquor.

10 **(d) The holder of an artisan distiller's permit may transport**
11 **liquor to and from a brewery located within the same county for**
12 **the purposes of carbonating and canning by the brewery. The**
13 **activity under this subsection is not an interest under IC 7.1-5-9.**

14 ~~(e)~~ (e) An artisan distiller who knowingly or intentionally violates
15 this section commits a Class B misdemeanor.

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

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

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

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

- 28 **(1) manufactured at the two (2) production facilities; and**
29 **(2) from a single bar.**

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

34 **(c) This section does not exempt a person to which this section**
35 **applies from complying with permit restrictions affecting the sales**
36 **and service of each alcoholic beverage produced by the two (2)**
37 **production facilities. If the law applicable to one (1) of the permits**
38 **under subsection (a)(2) that the person has an interest in is more**
39 **prohibitive or restrictive regarding the presence of a minor in the**
40 **bar area of the licensed premises than the law applicable to the**
41 **other premises under subsection (a)(2) that the person has an**
42 **interest in, the more prohibitive or restrictive law applies to the**



1 **single bar area.**

2 SECTION 51. IC 7.1-3-29 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1 2019]:

5 **Chapter 29. College Stadiums**

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

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

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

14 **if a stadium intends to allow alcoholic beverages to be stored at the**
15 **stadium for use by a supplemental caterer operating at the**
16 **stadium.**

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

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

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

29 SECTION 52. IC 7.1-4-4.1-7 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The fee for:

- 31 (1) a letter of extension; and
32 (2) each renewal of a letter of extension;
33 is ~~fifty two hundred~~ **two hundred** dollars (~~\$50~~) (**\$200**) if the need for the letter of
34 extension, or renewal, is occasioned by the act or omission of the
35 permittee. The commission shall waive the fee for a letter of extension,
36 and a renewal, if the need for the letter of extension, or renewal, is
37 occasioned by the act or omission of the commission, a local board, or
38 a third party unrelated to the permittee involved and not employed by
39 the permittee or under the control of the permittee. **From each fee**
40 **collected under this section, fifty dollars (\$50) shall be deposited in**
41 **the state general fund, and the remainder shall be deposited in the**
42 **enforcement and administration fund under IC 7.1-4-10.**



1 SECTION 53. IC 7.1-4-4.1-9, AS AMENDED BY P.L.214-2016,
 2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 9. (a) This section applies to the following
 4 biennial permits:

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

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

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

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

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

34 SECTION 54. IC 7.1-4-4.1-12, AS AMENDED BY P.L.224-2005,
 35 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 12. (a) This section applies to the following
 37 biennial permits:

- 38 (1) Beer dealer's permit.
- 39 (2) Liquor dealer's permit.
- 40 ~~(3) Malt dealer's permit.~~
- 41 ~~(4)~~ (3) Wine dealer's permit.

42 (b) The commission shall charge a single fee for the issuance of any



1 combination of dealers' permits issued for the same location. The fee
2 is equal to the sum of the amount determined under subsection (c).

3 (c) An annual permit fee in the following amount is imposed on a
4 dealer:

5 (1) Five hundred dollars (\$500), if the dealer sells only beer, only
6 liquor, or only wine.

7 (2) Seven hundred fifty dollars (\$750), if the dealer sells:

8 (A) both beer and wine but no liquor;

9 (B) both wine and liquor but no beer; or

10 (C) both beer and liquor but no wine.

11 (3) One thousand dollars (\$1,000), if the dealer sells beer, wine,
12 and liquor.

13 SECTION 55. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006,
14 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 13. (a) This section applies to the following
16 permits:

17 (1) Beer wholesaler's permit.

18 ~~(2) Malt wholesaler's permit.~~

19 ~~(3) (2) Liquor wholesaler's permit.~~

20 ~~(4) (3) Wine wholesaler's permit.~~

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

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

27 (1) has never previously held a wine wholesaler's permit and
28 anticipates selling less than twelve thousand (12,000) gallons of
29 wine and brandy in a year; or

30 (2) previously held a wine wholesaler's permit and certifies to the
31 commission that the permit applicant sold less than twelve
32 thousand (12,000) gallons of wine and brandy in the previous
33 year.

34 SECTION 56. IC 7.1-4-4.1-20 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) The initial fee for a
37 food hall master permit is fifty thousand dollars (\$50,000).**

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

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



1 SECTION 57. IC 7.1-4-4.1-21 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 21. (a) The initial application**
 4 **fee for a food hall vendor's permit is as follows:**

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

8 (2) For a vending space that is at least one thousand (1,000)
 9 square feet but not more than two thousand (2,000) square
 10 feet, the cost of an initial permit fee is five thousand dollars
 11 (\$5,000).

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

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

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

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

23 SECTION 58. IC 7.1-4-5 IS REPEALED [EFFECTIVE JULY 1,
 24 2019]. (Malt Excise Tax).

25 SECTION 59. IC 7.1-5-7-11, AS AMENDED BY P.L.270-2017,
 26 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: **Sec. 11. (a)** The provisions of sections 9 and 10 of this
 28 chapter shall not apply if the public place involved is one (1) of the
 29 following:

30 (1) Civic center.

31 (2) Convention center.

32 (3) Sports arena.

33 (4) Bowling center.

34 (5) Bona fide club.

35 (6) Drug store.

36 (7) Grocery store.

37 (8) Boat.

38 (9) Dining car.

39 (10) Pullman car.

40 (11) Club car.

41 (12) Passenger airplane.

42 (13) Horse racetrack facility holding a recognized meeting permit



- 1 under IC 4-31-5.
 2 (14) Satellite facility (as defined in IC 4-31-2-20.5).
 3 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
 4 public.
 5 (16) That part of a restaurant which is separate from a room in
 6 which is located a bar over which alcoholic beverages are sold or
 7 dispensed by the drink.
 8 (17) Entertainment complex.
 9 (18) Indoor golf facility.
 10 (19) A recreational facility such as a golf course, bowling center,
 11 or similar facility that has the recreational activity and not the sale
 12 of food and beverages as the principal purpose or function of the
 13 person's business.
 14 (20) A licensed premises owned or operated by a postsecondary
 15 educational institution described in IC 21-17-6-1.
 16 (21) An automobile racetrack.
 17 (22) An indoor theater under IC 7.1-3-20-26.
 18 (23) A senior residence facility campus (as defined in
 19 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or
 20 furnished as provided under IC 7.1-3-1-29.
 21 (24) A hotel other than a part of a hotel that is a room in a
 22 restaurant in which a bar is located over which alcoholic
 23 beverages are sold or dispensed by the drink.
 24 (25) The location of an allowable event to which IC 7.1-3-6.1
 25 applies.
 26 (26) The location of a charity auction to which IC 7.1-3-6.2
 27 applies.
 28 (27) A farm winery and any additional locations of the farm
 29 winery under IC 7.1-3-12, if the minor is in the company of a
 30 parent, legal guardian or custodian, or family member who is at
 31 least twenty-one (21) years of age.
 32 (28) An artisan distillery under IC 7.1-3-27, if:
 33 (A) the person who holds the artisan distiller's permit also
 34 holds a farm winery permit under IC 7.1-3-12; and
 35 (B) the minor is in the company of a parent, legal guardian or
 36 custodian, or family member who is at least twenty-one (21)
 37 years of age.
 38 **(29) An art instruction studio under IC 7.1-5-8-4.6.**
 39 **(30) The licensed premises of a food hall under IC 7.1-3-20-29**
 40 **and the food and beverage vending space of a food hall vendor**
 41 **permittee under IC 7.1-3-20-30. However, sections 9 and 10 of**
 42 **this chapter apply to a bar within the food and beverage**



1 **vending space of a food hall vendor permittee under**
 2 **IC 7.1-3-20-30 that serves alcoholic beverages intended to be**
 3 **consumed while sitting or standing at the bar.**

4 **(31) A brewery under IC 7.1-3-2-7(5), if the minor is in the**
 5 **company of a parent, legal guardian, custodian, or family**
 6 **member who is at least twenty-one (21) years of age. While**
 7 **accompanied by the adult, the minor may be present in any**
 8 **area in which the accompanying adult may be present:**

9 **(A) that is within the brewery building, including a tasting**
 10 **room; and**

11 **(B) whether or not the area:**

12 **(i) is separated in any manner from where beer is**
 13 **manufactured, sold, or consumed within the brewery**
 14 **building; or**

15 **(ii) operates under a retailer's permit.**

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

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

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

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

27 SECTION 60. IC 7.1-5-8-4, AS AMENDED BY P.L.153-2015,
 28 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 4. (a) It is a Class B misdemeanor for a person
 30 who owns or operates a private or public restaurant or place of public
 31 or private entertainment to knowingly or intentionally permit another
 32 person to come into the establishment with an alcoholic beverage for
 33 sale or gift, or for consumption in the establishment by that person or
 34 another, or to serve a setup to a person who comes into the
 35 establishment. However, the provisions of this section do not apply to
 36 the following:

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

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

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

42 (A) has an area of at least four (4) acres and not more than six



- 1 (6) acres;
- 2 (B) is located within one (1) mile of the White River;
- 3 (C) is owned and operated by a nonprofit corporation exempt
- 4 from federal income taxation under Section 501(c)(3) of the
- 5 Internal Revenue Code; and
- 6 (D) is used primarily in connection with live music concerts.
- 7 (b) An establishment operated in violation of this section is declared
- 8 to be a public nuisance and subject to abatement as other public
- 9 nuisances are abated under the provisions of this title.
- 10 (c) This section does not apply to a person who owns or operates a
- 11 private or public restaurant or place of public or private entertainment
- 12 where a qualified organization is conducting:
- 13 (1) an allowable event to which IC 7.1-3-6.1 applies, and the
- 14 alcoholic beverage brought into the establishment is:
- 15 (A) in sealed bottles or cases; and
- 16 (B) donated to or purchased by the qualified organization to be
- 17 offered as a prize in the allowable event; or
- 18 (2) a charity auction to which IC 7.1-3-6.2 applies, and the
- 19 alcoholic beverage brought into the establishment is:
- 20 (A) in sealed bottles or cases; and
- 21 (B) donated to or purchased by the qualified organization to be
- 22 offered for sale in the charity auction.
- 23 **(d) This section does not apply to an art instruction studio under**
- 24 **section 4.6 of this chapter.**
- 25 SECTION 61. 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 successfully completed a server program or
 16 trainer program under IC 7.1-3-1.5;
 17 (2) must verify the age of a person consuming wine by
 18 examining:

- 19 (A) a driver's license bearing the person's photograph;
 20 (B) a photographic identification card issued under
 21 IC 9-24-16-1, or a similar card, issued under the laws of
 22 another state or the federal government, showing the
 23 person's age; or
 24 (C) a government issued document bearing the person's
 25 photograph and showing the person to be at least
 26 twenty-one (21) years of age; and

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

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

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

37 SECTION 62. IC 7.1-5-8-5, AS AMENDED BY P.L.94-2008,
 38 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 5. (a) This section does not apply to a person who,
 40 on or about a licensed premises, carries, conveys, or consumes beer or
 41 wine:

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



- 1 (2) not sold or offered for sale.
- 2 (b) This section does not apply to a person at a facility that is used
3 in connection with the operation of a track that is used primarily in the
4 sport of auto racing.
- 5 (c) This section does not apply to a person at an outdoor place of
6 public entertainment that:
- 7 (1) has an area of at least four (4) acres and not more than six (6)
8 acres;
- 9 (2) is located within one (1) mile of the White River;
- 10 (3) is owned and operated by a nonprofit corporation exempt from
11 federal income taxation under Section 501(c)(3) of the Internal
12 Revenue Code; and
- 13 (4) is used primarily in connection with live music concerts.
- 14 **(d) This section does not apply to a person who brings wine into
15 an art instruction studio or consumes wine that is brought into the
16 art instruction studio in accordance with section 4.6 of this chapter.**
- 17 ~~(d)~~ (e) It is a Class C misdemeanor for a person, for the person's own
18 use, to knowingly carry on, convey to, or consume on or about the
19 licensed premises of a permittee an alcoholic beverage that was not
20 then and there purchased from that permittee.
- 21 SECTION 63. IC 7.1-5-9-10, AS AMENDED BY P.L.79-2015,
22 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b),
24 it is unlawful for a holder of a retailer's permit of any type to acquire,
25 hold, own, or possess an interest of any type in a manufacturer's or
26 wholesaler's permit of any type.
- 27 (b) It is lawful for a holder of a retailer's permit of any type to
28 acquire, hold, own, or possess an interest of any type in **any of the
29 following:**
- 30 (1) A brewer's permit issued under IC 7.1-3-2-2(b). ~~and~~
- 31 (2) An artisan distiller's permit if the holder of the retailer's permit
32 also holds a brewer's permit described in subdivision (1).
- 33 **(c) It is lawful for the holder of a food hall vendor's permit
34 under IC 7.1-3-20-30 to acquire, hold, own, or possess an interest
35 of any type in a brewer's permit issued under IC 7.1-3-2-2, a farm
36 winery permit issued under IC 7.1-3-12-3, or an artisan distiller's
37 permit issued under IC 7.1-3-27-2. However, it is unlawful and a
38 violation of subsection (a) for the holder of a food hall master
39 permit under IC 7.1-3-20-29 to have ownership or control in the
40 farm winery permit, artisan distiller's permit, or brewer's permit
41 or in the farm winery's, artisan distiller's, or the brewer's food hall
42 vendor's permit.**



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

3 SECTION 64. 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 hotel, restaurant, caterer, or a club that is not open to the~~
29 ~~general public~~ from ~~(†)~~ extending credit to a consumer purchasing
30 alcohol for personal use at any time. ~~as long as any amount owed to the~~
31 ~~retailer or dealer by a consumer for alcohol is paid in full before the~~
32 ~~consumer leaves the 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 65. **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.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, 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 62, delete lines 37 through 42.

Page 63, delete lines 1 through 24.

EH 1518—LS 7544/DI 87



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1518 as printed February 15, 2019.)

HUSTON

Committee Vote: yeas 20, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1518, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 3. IC 7.1-1-3-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.5. The term "entertainment complex" means a premises that **complies with one (1) or more of the following requirements:**

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

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

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

(B) is located in a facility that is:

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

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

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

(1) The premises:

(A) is a site for the performance of musical, theatrical, or other entertainment; and

(B) includes an area where at least eight hundred (800) individuals may be seated at one (1) time in permanent seating.

(2) The premises:

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(A) is located entirely within a one (1) mile radius of the center of a consolidated city;

(B) is used by a nonprofit organization primarily for the professional performance of musical or theatrical entertainment; and

(C) has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals.

SECTION 4. IC 7.1-1-3-19.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19.6. The term "jumbo boat" means a United States Coast Guard approved vessel having a length of at least one hundred thirty-five (135) feet and a width of at least thirty-five (35) feet. The term does not include a riverboat (as defined in IC 4-33-2-17)."**

Page 7, delete lines 1 through 20.

Page 8, line 35, delete "rates of violation" and insert "**violations**".

Page 9, line 9, delete "rates of".

Page 9, line 15, delete "rates" and insert "**violations**".

Page 11, line 33, delete "(1) one" and insert "**(1) one**".

Page 13, line 4, after "before" insert "**July 1, 2021**".

Page 13, delete lines 5 through 10.

Page 13, line 13, after "before" insert "**July 1, 2022**".

Page 13, delete lines 14 through 19.

Page 17, line 7, delete "commission:" and insert "**commission before, after, or on July 1, 2019, is subject to this chapter**".

Page 17, delete lines 8 through 10.

Page 17, delete lines 23 through 42, begin a new paragraph and insert:

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

(1) An initial term of deposit that expires forty-eight (48) months after the date of the commission's approval.

(2) An extension of the term of deposit that expires twelve (12) months after the date the initial term of deposit under subdivision (1) expires.

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



commission.

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

- (1) a term of deposit under section 3(a)(1) or 3(a)(2) of this chapter expires without the commission approving an extension of the term; and**
- (2) the permit is not active.**

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

- (1) the term of deposit expires; and**
- (2) the permit will revert to the commission if:**
 - (A) the permit is not active; or**
 - (B) an extension of the term of deposit has not been approved by the commission.**

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

- (1) Submit the permit holder's request for deposit or an extension of the term of deposit to the commission in writing. A permit holder must submit a request for extension at least sixty (60) days before the term of deposit expires.**
- (2) Appear at a public meeting of the commission and provide to the commission's satisfaction an explanation of the following:**
 - (A) The specific reasons why the business for which the permit was issued is not immediately operational.**
 - (B) A timetable for making the business operational and the permit active.**
 - (C) A detailed statement of the permit holder's efforts to make the business operational and the permit active.**
- (3) The permit holder shall submit to the commission any other documentation of the permit holder's efforts under subdivision (2)(C), including:**
 - (A) contracts for construction or renovation of the permit premises;**
 - (B) zoning applications and approvals; and**
 - (C) building permits and any other necessary government approvals.**
- (4) If the commission approves the permit holder's request, pay any permit renewal fees that are due."**

Delete page 18.



Page 19, delete lines 1 through 2.

Page 19, between lines 9 and 10, begin a new line blocked left and insert:

"A person adversely affected by the commission's determination under this chapter may seek judicial review of the determination under IC 4-21.5."

Page 19, delete lines 27 through 42.

Page 20, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 16. IC 7.1-3-1.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 1.3. Sale of Alcoholic Beverages by a Retail Permittee

Sec. 1. As used in this chapter, "package alcoholic beverage" means:

- (1) liquor;
- (2) beer; or
- (3) wine.

Sec. 2. A retailer permittee may not sell or otherwise dispose of a package alcoholic beverage for consumption off the licensed premises except in accordance with:

- (1) this chapter;
- (2) another applicable Indiana alcoholic beverage law; and
- (3) a rule of the alcohol and tobacco commission.

Sec. 3. (a) A retail permittee may only sell a package alcoholic beverage in the same room where:

- (1) the bar is located; or
- (2) alcoholic beverages are stored, prepared, or dispensed for consumption on the licensed premises.

(b) A retail permittee may not:

- (1) partition a room to create an area or section solely or primarily for the sale of a package alcoholic beverage;
- (2) have a separate cash register for the sale of a package alcoholic beverage; or
- (3) permit or use self-service.

Sec. 4. The total floor space area for the sale and display of package alcoholic beverages may not exceed one-fourth (1/4) of the total floor space area of the licensed premises or three hundred (300) square feet, whichever is the lesser area.

Sec. 5. (a) The floor plans of the licensed premises of each retail permittee must be approved by the commission before granting of the retailer's permit. The floor plans must clearly designate the



dimensions and location of any area to be used for the sale of package alcoholic beverages.

(b) A retail permittee may not change its floor plans without the prior approval of the commission.

Sec. 6. A retail permittee may only sell a package alcoholic beverage during the hours that the retail permittee is open for business as a retail permittee.

Sec. 7. The commission shall enforce this chapter."

Page 20, delete lines 40 through 42.

Page 21, line 1, delete "(4)" and insert "(3)".

Page 21, delete lines 4 through 10.

Page 21, delete lines 35 through 42.

Page 22, line 1, reset in roman "(D)".

Page 22, line 1, delete "(E)".

Page 22, line 5, reset in roman "(E)".

Page 22, line 5, delete "(F)".

Page 22, line 8, reset in roman "(F)".

Page 22, line 8, delete "(G)".

Page 22, line 11, reset in roman "(G)".

Page 22, line 11, delete "(H)".

Page 22, line 12, delete "and wine".

Page 22, line 13, delete "and clause (D)".

Page 22, line 23, reset in roman "(H)".

Page 22, line 23, delete "(I)".

Page 22, line 29, reset in roman "(I)".

Page 22, line 29, delete "(J)".

Page 22, line 36, reset in roman "(J)".

Page 22, line 36, delete "(K)".

Page 23, line 6, reset in roman "(K)".

Page 23, line 6, delete "(L)".

Page 23, line 11, delete "(M)" and insert "(L)".

Page 23, between lines 15 and 16, begin a new line double block indented and insert:

"(M) Receive liquor from the holder of a distiller's permit issued under IC 7.1-3-7 or the holder of an artisan distiller's permit under IC 7.1-3-27 that is located in the same county as the brewery for the purpose of carbonating and canning the liquor. Upon the completion of canning of the liquor, the product must be returned to the original production facility within forty-eight (48) hours. The activity under this clause is not an interest under IC 7.1-5-9."



Page 24, delete lines 30 through 42.

Page 25, delete lines 1 through 39.

Page 28, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 24. IC 7.1-3-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. **(a) Except as provided in subsection (b),** the holder of a boat beer permit may purchase beer, possess it, and sell it at retail for consumption only in the dining room of the boat described in the application. The permit holder may sell beer only in the course of a run and only one (1) hour before the boat embarks on the run.

(b) This subsection applies only to the holder of a boat beer permit who operates a jumbo boat. Subject to the approval of the local board of each county where the jumbo boat docks, the holder of a boat beer permit may purchase beer, possess it, and sell it at retail for consumption only on the jumbo boat described in the application. The permit holder may sell beer during the time periods specified under IC 7.1-3-1-14.

SECTION 25. IC 7.1-3-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. **Scope of Permit:** The holder of a distiller's permit shall be entitled to manufacture liquor, to rectify it, and to bottle it. A distiller shall enjoy all the privileges accorded the holder of a rectifier's permit, but ~~he~~ **the distiller** shall not have to obtain a separate rectifier's permit nor pay an additional fee. A distiller shall be entitled to transport liquor and to sell and deliver it in shipments to points outside this state, or to the holder of a liquor wholesaler's permit, or to the holder of a rectifier's permit. A distiller may not sell liquor to a consumer, nor to a person for the purpose of having it retailed by ~~him~~; **the person**, whether that person holds a liquor retailer's permit under this title or not. **A distiller may transport liquor to and from a brewery located within the same county for the purposes of carbonating and canning by the brewery. The activity under this section is not an interest under IC 7.1-5-9."**

Page 28, line 37, delete "IC 7.1-3-6.1" and insert "IC 7.1-3-6.1,".

Page 28, line 37, strike "and".

Page 28, line 37, after "IC 7.1-3-6.2," insert "**and IC 7.1-3-21-14,**".

Page 28, line 41, delete "IC 7.1-3-6.1" and insert "IC 7.1-3-6.1,".

Page 28, line 41, strike "and".

Page 28, line 41, after "IC 7.1-3-6.2," insert "**and IC 7.1-3-21-14,**".

Page 29, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 27. IC 7.1-3-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. **Scope of Permit: (a)**

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The holder of a boat liquor permit shall enjoy the same privileges and be subject to the same conditions, restrictions, and limitations in regard to liquor under ~~his the~~ permit as is provided in the case of the holder of a boat beer permit in regard to beer under ~~his the~~ permit.

(b) Subject to the approval of the local board of each county where the jumbo boat docks, the holder of a boat liquor permit who operates a jumbo boat shall enjoy the same privileges and be subject to the same conditions, restrictions, and limitations in regard to liquor under the permit as is provided in the case of the holder of a boat beer permit described in IC 7.1-3-6-14(b) who operates a jumbo boat.

SECTION 28. IC 7.1-3-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~Scope of Permit.~~ The holder of a vintner's permit is entitled to manufacture wine and to bottle it or place it in other containers, **including boxes that contain a bag designed to store and dispense wine, and bulk containers.** ~~He A~~ **vintner** also is entitled to transport wine and either to sell it, or deliver it, or both, in shipments to points outside this state, and to a wine wholesaler, and to another vintner. A vintner is not entitled to rectify or fortify wine unless ~~he the~~ **vintner** is also the holder of either a distiller's permit, or a rectifier's permit, or both. A vintner is not entitled to sell to a consumer or to a permittee who sells wine at retail. A vintner is entitled to advertise the name and address of any retailer or dealer who sells wine produced by ~~his the~~ **vintner's** winery.

SECTION 29. IC 7.1-3-12-5, AS AMENDED BY P.L.270-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The holder of a farm winery permit:

- (1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;
- (2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises, as approved by the commission if each employee who serves wine on the licensed premises:
 - (A) holds an employee's permit under IC 7.1-3-18-9; and
 - (B) completes a server training program approved by the commission;
- (3) is entitled to sell the winery's wine on the licensed premises to consumers either by: ~~the:~~
 - (A) ~~the~~ glass; ~~or by the~~
 - (B) ~~the~~ bottle; ~~or both;~~
 - (C) **a box that contains a bag designed for storing and**



dispensing wine; or

(D) any combination of receptacles listed in clauses (A) through (C);

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

(5) is entitled to sell wine by: ~~the~~

(A) the bottle; ~~or by the~~

(B) a box that contains a bag designed for storing and dispensing wine;

(C) bulk container;

(D) the case; or

(E) any combination of receptacles listed in clauses (A) through (D);

to a person who is the holder of a permit to sell wine at wholesale;

(6) is exempt from the provisions of IC 7.1-3-14;

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

(8) for wine described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the wine on the licensed premises; and

(B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;

(9) is entitled to purchase and sell bulk wine as set forth in this chapter;

(10) is entitled to sell wine as authorized by this section for carryout on Sunday; ~~and~~

(11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state; **and**

(12) is entitled to sell the farm winery's wine to the holder of a supplemental caterer's permit issued under IC 7.1-3-9.5 for on-premises consumption only at an event that is held outdoors on property that is contiguous to the farm winery as approved by the commission.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may:

(1) individually; or



(2) with other permit holders under this chapter, holders of artisan distiller's permits, holders of brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this subdivision;

participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year."

Delete page 30.

Page 31, delete line 1.

Page 31, delete lines 38 through 42.

Delete page 32.

Page 33, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 30. IC 7.1-3-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. **Scope of Permit: (a)** The holder of a boat wine permit shall enjoy the same privileges and be subject to the same conditions, restrictions, and limitations in regard to wine under ~~his~~ **the** permit as is provided in the case of the holder of a boat beer permit in regard to beer under ~~his~~ **the** permit.

(b) Subject to the approval of the local board of each county where the jumbo boat docks, the holder of a boat wine permit who operates a jumbo boat shall enjoy the same privileges and be subject to the same conditions, restrictions, and limitations in regard to wine under the permit as is provided in the case of the holder of a boat beer permit described in IC 7.1-3-6-14(b) who operates a jumbo boat."

Page 33, line 18, delete "IC 7.1-3-4-2(a)(14)" and insert "**IC 7.1-3-4-2(a)(14)**".

Page 33, delete lines 21 through 42.

Delete pages 34 through 35.

Page 36, delete lines 1 through 35.

Page 39, delete lines 25 through 42.

Page 40, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 35. IC 7.1-3-20-13.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13.6. (a) As used in this section, "clubhouse" means a facility:

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

(b) The holder of a retailer's permit or a club permit for the sale of



alcoholic beverages at a clubhouse may, under the same permit, sell alcoholic ~~mat~~ beverages at a permanent, semipermanent, or portable structure or cart that meets the following requirements:

- (1) Is on the same golf course premises as the clubhouse.
- (2) Is within reasonable proximity of the clubhouse.
- (3) Provides minimum food service.
- (4) Has a floor plan or design that meets the following requirements:
 - (A) Is on file with the commission.
 - (B) Has been approved by the commission.

(c) All employees of a permittee described in subsection (b), who are involved in the furnishing, supplying, conveying, selling or serving of alcoholic beverages, shall have an employee's permit or bartender's permit, as applicable."

Page 41, delete lines 13 through 22, begin a new paragraph, and insert:

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

- (1) a building that:
 - (+) (A) was formerly used as part of a passenger and freight railway station; and
 - (-) (B) was built before 1900; **or**
- (2) **a complex of buildings that:**
 - (A) **is part of an economic development area established under IC 36-7-14; and**
 - (B) **includes, as part of the renovation project, the use and repurposing of two (2) or more buildings and structures that are:**
 - (i) **at least seventy-five (75) years old; and**
 - (ii) **located at a site at which manufacturing previously occurred over a period of at least seventy-five (75) years.**

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

Page 46, delete lines 18 through 42.

Delete page 47.

Page 48, delete lines 1 through 30.

Page 49, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 40. IC 7.1-3-20-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2019]: **Sec. 28.5. (a) This section applies to the premises of a:**

- (1) civic center permit; or**
- (2) retail permit that operates as a recreational facility offering bowling, arcade games, and outside volleyball courts or other outside recreational games on the licensed premises.**

(b) In accordance with subsection (c), the holder of a:

- (1) civic center permit; or**
- (2) retail permit described in subsection (a)(2) which has a gross business of at least one million dollars (\$1,000,000) in the retail sale of food;**

may, subject to the approval of the commission, sell or dispense alcoholic beverages for which the permittee holds the appropriate permit, for on-premises consumption only, from a bar that is located on an outside patio, porch, veranda, terrace, or rooftop of a building that is contiguous to the main building of the licensed premises.

(c) The holder of the civic center or retail permit described in subsection (a)(2) may sell or dispense alcoholic beverages as provided under subsection (b) only if all the following conditions are met:

- (1) The outside area described in subsection (b) is:**
 - (A) part of the licensed premises; and**
 - (B) clearly delineated in some manner by a fence, hedge, rail, wall, or similar barrier.**
- (2) Except as provided in IC 7.1-5-7-11, if minors are allowed on the premises:**
 - (A) the bar area must be separated from the outside dining area where minors may be served by a structure or barrier that reasonably deters free access and egress, without requirement for doors or gates; and**
 - (B) a conspicuous sign must be posted by the barrier described in clause (A) stating that minors may not cross the barrier to enter the bar area."**

Page 51, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 42. 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) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) Except as provided in subsections (c), ~~and~~ (g), **and (h)**, 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) 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) church or school that applies for a temporary beer or wine permit.

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

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

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

(g) If the commission:

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

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

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

(h) The commission may issue a permit for a premises if the wall of the premises and the wall of a church are separated by at least eighty-five (85) feet, including a two (2) lane road of at least thirty (30) feet in width."

Delete page 52.



Page 53, delete lines 1 through 9.

Page 53, delete lines 19 through 23, begin a new line block indented and insert:

"(2) The state fair commission is entitled to permit 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 to sell alcoholic beverages produced by that permittee for consumption off the state fair grounds in addition to selling alcoholic beverages by the glass, including at a location on the property of the state fairgrounds for which a supplemental caterer's permit has been approved."

Page 54, delete lines 2 through 28.

Page 55, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 47. IC 7.1-3-23-2, AS AMENDED BY P.L.3-2008, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The commission may:

- (1) fine or suspend or revoke the permit **or certificate** of; or
- (2) fine and suspend or revoke the permit **or certificate** of;

a permittee for the violation of a provision of this title or of a rule or regulation of the commission. The commission may fine a permittee for each day the violation continues if the violation is of a continuing nature.

(b) The commission shall revoke the permit of a permittee for the violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4. A finding that a permittee has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 must be supported by a preponderance of the evidence."

Page 56, delete lines 1 through 37, begin a new paragraph, and insert:

"SECTION 48. IC 7.1-3-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 25.5. Distribution Agreements Between Beer Wholesalers and Suppliers

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

- (1) "Good cause" includes:
 - (A) a revocation or suspension for more than fourteen (14) days of a beer wholesaler's federal basic permit or permit under this title;
 - (B) the assignment or attempted assignment by a beer wholesaler for the benefit of creditors, the institution of bankruptcy proceedings by or against a beer wholesaler,



the dissolution or liquidation of a beer wholesaler, the insolvency of a beer wholesaler, or a beer wholesaler's failure to pay a supplier for products in accordance with the approved terms;

(C) a failure by a beer wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material provision of the distribution agreement, after the supplier has provided the beer wholesaler with notice of its failure to comply with the distribution agreement and an opportunity to cure any breach as required under section 2(c) of this chapter;

(D) fraudulent conduct by a beer wholesaler in any dealings with a supplier or the supplier's products; or

(E) a failure by any owner of the beer wholesaler to sell the person's ownership interest within one hundred twenty (120) days after:

(i) the date judgment is entered against the owner for a felony conviction which, in the reasonable judgment of the supplier, may adversely affect the goodwill or interests of the beer wholesaler or supplier; or

(ii) the supplier learns of the conviction described in item (i);

whichever is later.

(2) "Supplier" means a primary source of supply.

Sec. 2. (a) If a supplier immediately cancels, terminates, or refuses to renew a distribution agreement for good cause, the supplier shall provide the beer wholesaler with written notice of its action.

(b) Except as provided in subsection (d), a supplier may not amend, cancel, terminate, or refuse to renew a distribution agreement with a beer wholesaler unless the supplier:

(1) has satisfied the notice and opportunity to cure requirements under subsection (c), if applicable;

(2) has acted in good faith;

(3) has good cause to amend, cancel, terminate, or refuse to renew the distribution agreement; and

(4) has amended, cancelled, terminated, or refused to renew a distribution agreement with due regard for the equities of the beer wholesaler.

(c) Except as provided in subsection (d), and subject to subsection (e), a supplier who intends to amend, cancel, terminate, or refuse to renew a distribution agreement with a beer wholesaler



shall:

- (1) provide written notice to the beer wholesaler at least one hundred twenty (120) days before the date the supplier intends to amend, cancel, terminate, or refuse to renew the distribution agreement; and
 - (2) provide the beer wholesaler with the opportunity to substantially cure any deficiency within the one hundred twenty (120) day period described in subdivision (1).
- (d) Notwithstanding subsection (b) or (c), a supplier has the right to amend, cancel, terminate, or refuse to renew its distribution agreement with a beer wholesaler if the supplier:
- (1) provides ninety (90) days written notice of the amendment, cancellation, termination, or refusal to renew; and
 - (2) gives a similar written notice to all other beer wholesalers in the United States who have entered into the same distribution agreement with the supplier.
- (e) A notice described in this section must:
- (1) be sent by certified mail; and
 - (2) contain all the following:
 - (A) The effective date of the intended amendment, cancellation, termination, or refusal of renewal of the distribution agreement.
 - (B) A statement of the:
 - (i) nature of; and
 - (ii) reason for;
 the intended amendment, cancellation, termination, or refusal to renew.
- (f) An amendment, cancellation, termination, or refusal of renewal of a distribution agreement with a beer wholesaler is not effective unless the supplier meets the requirements of this chapter.

Sec. 3. (a) A provision of this chapter may not be waived.

(b) If a beer wholesaler enters or has entered into a distribution agreement, supplemental agreement, amendment, or any other agreement with a supplier that waives a law, the beer wholesaler does not waive the beer wholesaler's rights protected under this chapter."

Page 57, between lines 6 and 7, begin a new paragraph and insert:
 "SECTION 50. IC 7.1-3-27-8, AS AMENDED BY P.L.270-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The holder of an artisan distiller's permit may do only the following:

- (1) Manufacture liquor, including blending liquor purchased from



another manufacturer with liquor the artisan distiller manufactures under section 11 of this chapter.

- (2) Bottle liquor manufactured by the artisan distiller.
- (3) Store liquor manufactured by the artisan distiller, including at a facility within ten (10) miles of the artisan distiller's distillery.
- (4) Transport, sell, and deliver liquor manufactured by the artisan distiller to:

- (A) places outside Indiana; or

- (B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.

- (5) Sell liquor manufactured by the artisan distiller to consumers by the drink, bottle, or case from the premises of the distillery where the liquor was manufactured.

- (6) Serve complimentary samples of the liquor manufactured by the artisan distiller to consumers on the premises of the distillery where the liquor was manufactured.

- (7) Sell liquor as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than four and five-tenths (4.5) liters.

- (8) With the approval of the commission, participate:

- (A) individually; or

- (B) with other permit holders under this chapter, holders of farm winery permits, holders of brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this clause;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant to a holder of a permit under this chapter approval under this subdivision to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(b) The holder of an artisan distiller's permit who provides samples or sells liquor by the glass must furnish the minimum food requirements prescribed by the commission.

(c) A storage facility used by an artisan distiller under subsection (a)(3):

- (1) must conform with federal laws, rules, and regulations; and
- (2) must not be used for any purposes except for the storage of liquor.

(d) The holder of an artisan distiller's permit may transport liquor to and from a brewery located within the same county for the purposes of carbonating and canning by the brewery. The



activity under this subsection is not an interest under IC 7.1-5-9.

~~(d)~~ (e) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor."

Page 57, delete lines 35 through 42.

Page 58, delete lines 1 through 39.

Page 59, line 11, delete "retailer permittee or".

Page 59, line 15, delete "retailer permittee or a".

Page 59, line 22, delete "retailer permittee or a".

Page 59, delete lines 26 through 37.

Page 60, line 6, after "of the permittee." insert "**From each fee collected under this section, fifty dollars (\$50) shall be deposited in the state general fund, and the remainder shall be deposited in the enforcement and administration fund under IC 7.1-4-10.**"

Page 61, delete lines 40 through 42.

Page 62, delete lines 1 through 3.

Page 62, delete lines 37 through 42.

Delete page 63.

Page 64, delete lines 1 through 22.

Page 65, delete lines 36 through 37.

Page 65, line 38, delete "(30)" and insert "(29)".

Page 65, line 39, delete "(31)" and insert "(30)".

Page 66, between lines 3 and 4, begin a new line block indented and insert:

"(31) A brewery under IC 7.1-3-2-7(5), if the minor is in the company of a parent, legal guardian, custodian, or family member who is at least twenty-one (21) years of age. While accompanied by the adult, the minor may be present in any area in which the accompanying adult may be present:

(A) that is within the brewery building, including a tasting room; and

(B) whether or not the area:

(i) is separated in any manner from where beer is manufactured, sold, or consumed within the brewery building; or

(ii) operates under a retailer's permit."

Page 66, delete lines 15 through 20.

Page 67, line 17, delete "a wine retailer permittee".

Page 67, line 18, delete "under section 4.5 of this chapter or".

Page 67, delete lines 20 through 36.

Page 68, line 27, delete "have:" and insert "**have successfully completed a server program or trainer program under IC 7.1-3-1.5;**".



Page 68, delete lines 28 through 30.

Page 69, line 29, delete "the licensed premises" and insert "**an art instruction studio**".

Page 69, line 30, delete "licensed premises" and insert "**art instruction studio**".

Page 69, line 30, delete "4.5 or".

Page 70, line 8, delete "IC 7.1-3-2-2." and insert "**IC 7.1-3-2-2, a farm winery permit issued under IC 7.1-3-12-3, or an artisan distiller's permit issued under IC 7.1-3-27-2.**".

Page 70, line 11, after "in the" insert "**farm winery permit, artisan distiller's permit, or**".

Page 70, line 11, after "permit or" insert "**in the farm winery's, artisan distiller's, or**".

Page 70, line 40, after "a" insert "**hotel, restaurant, caterer, or a**".

Page 71, delete lines 10 through 42.

Delete pages 72 through 77.

Page 78, delete lines 1 through 17.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1518 as printed February 18, 2019.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

