

HOUSE BILL No. 1585

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3; IC 7.1-5-10-11.

Synopsis: Sale of cold alcoholic beverages. Makes it a Class B misdemeanor for a grocery store or drug store to sell an iced or cooled alcoholic beverage. (Current law prohibits the sale of iced or cooled beer by a grocery store or drug store.) Specifies that a package liquor store may sell any alcoholic beverage iced or cooled. Makes conforming amendments.

Effective: July 1, 2023.

Manning

January 19, 2023, read first time and referred to Committee on Public Policy.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1585



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

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-1-1.5, AS ADDED BY P.L.270-2017,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1.5. (a) It is the intent of the general assembly,
4 consistent with the character of the business test described in section
5 19 of this chapter, that a grocery store, convenience store, or drug store
6 should not be given the privilege of selling ~~cold beer~~ **iced or cooled**
7 **alcoholic beverages** for carryout.
8 (b) It is the intent of the general assembly, consistent with the
9 character of the business test described in section 19 of this chapter,
10 that a restaurant located within a grocery store, convenience store, or
11 drug store should not be given the privilege of selling alcoholic
12 beverages for carryout.
13 (c) The commission shall apply the intent of the general assembly,
14 when considering the character of an applicant's business, as described
15 in section 19 of this chapter.
16 SECTION 2. IC 7.1-3-5-3, AS AMENDED BY P.L.194-2021,
17 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]; Sec. 3. (a) The holder of a beer dealer's permit shall be
 2 entitled to purchase beer for sale under the permit only from a
 3 permittee entitled to sell to a beer dealer under this title.

4 (b) A beer dealer shall be entitled to possess beer and sell it at retail
 5 to a customer in permissible containers only.

6 (c) A beer dealer may not sell beer by the drink nor for consumption
 7 on the licensed premises nor shall a beer dealer allow it to be consumed
 8 on the licensed premises.

9 (d) Except as provided in subsection (e), a beer dealer shall be
 10 entitled to sell beer to a customer and deliver it in permissible
 11 containers to the customer on the licensed premises, or to the
 12 customer's residence or office. A beer dealer shall not be entitled to sell
 13 and deliver beer on the street or at the curb outside the licensed
 14 premises, nor shall a beer dealer be entitled to sell beer at a place other
 15 than the licensed premises. A beer dealer shall not be entitled to sell
 16 beer and deliver beer for carry-out, or for delivery to a customer's
 17 residence or office, in a quantity that exceeds eight hundred sixty-four
 18 (864) ounces in a single transaction. This delivery may only be
 19 performed by the permit holder or an employee who holds an employee
 20 permit. However, ~~notwithstanding IC 7.1-5-10-11~~, a beer dealer who
 21 is licensed ~~pursuant to~~ **under IC 7.1-3-10-4** shall be entitled to sell and
 22 deliver warm or ~~cold~~ **iced or cooled** beer for carry-out, or for delivery
 23 to a customer's residence, office, or a designated location in barrels or
 24 other commercial containers that do not exceed two thousand sixteen
 25 (2,016) ounces per container. The permit holder shall maintain a
 26 written record of each delivery for at least one (1) year that shows the
 27 customer's name, location of delivery, and quantity sold.

28 (e) Unless a beer dealer is a grocery store or drug store, a beer
 29 dealer may not sell or deliver alcoholic beverages or any other item
 30 through a window in the licensed premises to a patron who is outside
 31 the licensed premises. A beer dealer that is a grocery store or drug store
 32 may sell any item except alcoholic beverages through a window in the
 33 licensed premises to a patron who is outside the licensed premises.

34 SECTION 3. IC 7.1-3-10-7, AS AMENDED BY P.L.194-2021,
 35 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2023]: Sec. 7. (a) The holder of a liquor dealer's permit shall
 37 be entitled to purchase liquor only from a permittee entitled to sell to
 38 a liquor dealer under this title.

39 (b) A liquor dealer shall be entitled to possess liquor and sell it at
 40 retail in its original package to a customer only for consumption off the
 41 licensed premises. **However, only a liquor dealer who is licensed**
 42 **under section 4 of this chapter shall also be entitled to sell liquor**



1 **that was iced or cooled to a customer.**

2 (c) A liquor dealer may deliver liquor only in permissible containers
3 to a customer's residence or office in a quantity that does not exceed
4 twelve (12) quarts at any one (1) time. This delivery may only be
5 performed by the permit holder or an employee who holds an employee
6 permit. However, a liquor dealer who is licensed under ~~IC 7.1-3-10-4~~
7 **section 4 of this chapter** may deliver liquor in permissible containers
8 to a customer's residence, office, or designated location. The permit
9 holder shall maintain a written record of each delivery for at least one
10 (1) year that shows the customer's name, location of delivery, and
11 quantity sold.

12 (d) A liquor dealer may not sell or deliver alcoholic beverages or
13 any other item through a window in the licensed premises to a patron
14 who is outside the licensed premises. However, a liquor dealer that is
15 a drug store may sell prescription drugs and health and beauty aids
16 through a window in the licensed premises to a patron who is outside
17 the licensed premises.

18 SECTION 4. IC 7.1-3-15-3 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The holder of a
20 wine dealer's permit shall be entitled to purchase wine only from a
21 permittee who is authorized to sell to a wine dealer under this title. A
22 wine dealer shall be entitled to sell wine for consumption off the
23 licensed premises only and not by the drink.

24 (b) A wine dealer shall be entitled to sell wine in permissible
25 containers in a quantity of not more than three (3) standard cases, as
26 determined under the rules of the commission, in a single transaction.
27 However, a wine dealer who is licensed under IC 7.1-3-10-4 may
28 possess wine and sell it at retail in its original package to a customer
29 only for consumption off the licensed premises. **Only a wine dealer**
30 **who is licensed under IC 7.1-3-10-4 shall also be entitled to sell**
31 **wine that was iced or cooled to a customer.**

32 (c) Unless a wine dealer is a grocery store or drug store, a wine
33 dealer may not sell or deliver alcoholic beverages or any other item
34 through a window in the licensed premises to a patron who is outside
35 the licensed premises. A wine dealer that is a grocery store or drug
36 store may sell any item except alcoholic beverages through a window
37 in the licensed premises to a person who is outside the licensed
38 premises.

39 (d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may
40 deliver wine only in permissible containers to a customer's residence,
41 office, or designated location. This delivery may only be performed by
42 the permit holder or an employee who holds an employee permit. The



1 permit holder shall maintain a written record of each delivery for at
2 least one (1) year that shows the customer's name, location of delivery,
3 and quantity sold.

4 SECTION 5. IC 7.1-5-10-11, AS AMENDED BY P.L.159-2014,
5 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2023]: Sec. 11. **(a) This section does not apply to the holder
7 of a liquor dealer's permit licensed under IC 7.1-3-10-4.**

8 ~~(a)~~ **(b)** It is unlawful for the holder of a **beer** dealer's permit to offer
9 or display for sale, or sell, barter, exchange or give away a bottle, can,
10 container, or package of **beer an alcoholic beverage** that was iced or
11 cooled by the permittee before or at the time of the sale, exchange, or
12 gift.

13 ~~(b)~~ **(c)** A person who knowingly or intentionally violates this section
14 commits a Class B misdemeanor.

