



February 16, 2018

ENGROSSED SENATE BILL No. 1

DIGEST OF SB 1 (Updated February 14, 2018 12:19 pm - DI 107)

Citations Affected: IC 7.1-2; IC 7.1-3.

Synopsis: Sunday carryout sales. Allows the following to sell alcoholic beverages for carryout on Sunday from noon until 8 p.m.: (1) A package liquor store, grocery store, convenience store, or drug store. (2) A restaurant that satisfies the requirements to sell carryout. (The introduced version of this bill was prepared by the alcohol code revision commission.)

Effective: Upon passage.

Alting, Randolph Lonnie M

(HOUSE SPONSORS — SMALTZ, SIEGRIST)

January 3, 2018, read first time and referred to Committee on Public Policy.
January 11, 2018, reported favorably — Do Pass.
January 18, 2018, read second time, ordered engrossed. Engrossed.
January 22, 2018, read third time, passed. Yeas 39, nays 10.

HOUSE ACTION

February 6, 2018, read first time and referred to Committee on Public Policy.
February 15, 2018, amended, reported — Do Pass.

ES 1—LS 6418/DI 87



February 16, 2018

Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 1

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 7.1-2-3-16.5, AS AMENDED BY P.L.109-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 16.5. (a) As used in this section, "facility"
4 includes the following:
5 (1) A facility to which IC 7.1-3-1-25(a) applies.
6 (2) A tract that contains a premises that is described in
7 ~~IC 7.1-3-1-14(c)(2)~~; **IC 7.1-3-1-14(d)(2)**.
8 (3) A horse track or satellite facility to which IC 7.1-3-17.7
9 applies.
10 (4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.
11 (5) A tract that contains an entertainment complex.
12 (b) As used in this section, "tract" has the meaning set forth in
13 IC 6-1.1-1-22.5.
14 (c) A facility may advertise alcoholic beverages:
15 (1) in the facility's interior; or
16 (2) on the facility's exterior.
17 (d) The commission may not exercise the prohibition power

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1 contained in section 16(a) of this chapter on advertising by a brewer,
2 distiller, rectifier, or vintner in or on a facility.

3 (e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may
4 provide advertising to a permittee that is a brewer, an artisan distiller,
5 a distiller, a rectifier, or a vintner in exchange for compensation from
6 that permittee.

7 SECTION 2. IC 7.1-3-1-14, AS AMENDED BY P.L.10-2010,
8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 14. (a) ~~It is lawful for an appropriate~~
10 ~~permittee, unless~~ **Except as** otherwise specifically provided in this title,
11 ~~to an appropriate permittee may~~ sell alcoholic beverages each day
12 Monday through ~~Saturday~~ **Sunday** from 7 a.m., prevailing local time,
13 until 3 a.m., prevailing local time, the following day. ~~Sales shall cease~~
14 ~~wholly on Sunday at 3 a.m., prevailing local time, and not be resumed~~
15 ~~until the following Monday at 7 a.m., prevailing local time.~~

16 (b) ~~It is lawful for~~ The holder of a retailer's permit ~~to may~~ sell the
17 appropriate alcoholic beverages ~~for consumption on the licensed~~
18 ~~premises only on Sunday from 7 a.m., prevailing local time, until 3~~
19 ~~a.m., prevailing local time, the following day. as follows:~~

20 **(1) Monday through Sunday from 7 a.m., prevailing local**
21 **time, until 3 a.m., prevailing local time, the following day, the**
22 **holder of a retailer's permit may sell the appropriate alcoholic**
23 **beverages for consumption on the licensed premises.**

24 **(2) If the holder of a retailer's permit satisfies the**
25 **requirements under this title for selling alcoholic beverages**
26 **for consumption off the licensed premises, the permit holder**
27 **may also sell carryout:**

28 **(A) Monday through Saturday from 7 a.m., prevailing**
29 **local time, until 3 a.m., prevailing local time, the following**
30 **day; and**

31 **(B) Sunday from noon, prevailing local time, until 8 p.m.,**
32 **prevailing local time.**

33 **(c) The holder of a dealer's permit may sell the appropriate**
34 **alcoholic beverages for carryout at the following times:**

35 **(1) Monday through Saturday from 7 a.m., prevailing local**
36 **time, until 3 a.m., prevailing local time, the following day.**

37 **(2) Sunday from noon, prevailing local time, until 8 p.m.,**
38 **prevailing local time.**

39 ~~(e)~~ **(d)** It is lawful for the holder of a permit under this article to sell
40 alcoholic beverages at athletic or sports events held on Sunday upon
41 premises that:

42 (1) are described in section 25(a) of this chapter;



1 (2) are a facility used in connection with the operation of a paved
 2 track more than two (2) miles in length that is used primarily in
 3 the sport of auto racing; or

4 (3) are being used for a professional or an amateur tournament;
 5 beginning one (1) hour before the scheduled starting time of the event
 6 or, if the scheduled starting time of the event is 1 p.m. or later,
 7 beginning at noon.

8 ~~(d)~~ (e) It is lawful for the holder of a valid beer, wine, or liquor
 9 wholesaler's permit to sell to the holder of a valid retailer's or dealer's
 10 permit at any time.

11 SECTION 3. IC 7.1-3-9-12 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section
 13 applies to:

14 (1) the holder of a three-way permit that is issued to a civic
 15 center, a sports arena, a stadium, an exhibition hall, an
 16 auditorium, a theater, a tract that contains a premises that
 17 is described in ~~IC 7.1-3-1-14(c)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a
 18 convention center; or

19 (2) the holder of a catering permit while catering alcoholic
 20 beverages at a civic center, a sports arena, a stadium, an
 21 exhibition hall, an auditorium, a theater, a tract that contains a
 22 premises that is described in ~~IC 7.1-3-1-14(c)(2)~~,
 23 **IC 7.1-3-1-14(d)(2)**, or a convention center.

24 (b) As used in this section, "suite" means an area in a building or
 25 facility referred to in subsection (a) that:

- 26 (1) is not accessible to the general public;
 27 (2) has accommodations for not more than seventy-five (75)
 28 persons per suite; and
 29 (3) is accessible only to persons who possess a ticket:

30 (A) to an event in a building or facility referred to in
 31 subsection (a); and

32 (B) that entitles the person to occupy the area while viewing
 33 the event described in clause (A).

34 The term does not include a restaurant, lounge, or concession area,
 35 even if access to the restaurant, lounge, or concession area is limited to
 36 certain ticket holders.

37 (c) A permittee may allow the self-service of individual servings of
 38 alcoholic beverages in a suite.

39 (d) A person who:

- 40 (1) possesses a ticket described in subsection (b)(3); and
 41 (2) is at least twenty-one (21) years of age;

42 may obtain an alcoholic beverage in a suite by self-service.



- 1 (e) A permittee may do any of the following:
- 2 (1) Demand that a person occupying a suite provide:
- 3 (A) a written statement under IC 7.1-5-7-4; and
- 4 (B) identification indicating that the person is at least
- 5 twenty-one (21) years of age.
- 6 (2) Supervise the self-service of alcoholic beverages.
- 7 (3) Have an employee in the suite who holds an employee permit
- 8 under IC 7.1-3-18-9 to serve some or all of the alcoholic
- 9 beverages.
- 10 **SECTION 4. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 01 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 1, 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 1, line 3, delete "JULY 1, 2018]" and insert "UPON PASSAGE]:".

Page 2, line 9, delete "JULY 1, 2018]" and insert "UPON PASSAGE]:".

Page 3, line 12, delete "JULY 1, 2018]" and insert "UPON PASSAGE]:".

Page 4, after line 9, begin a new paragraph and insert:
"SECTION 4. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 1 as printed January 12, 2018.)

SMALTZ

Committee Vote: yeas 9, nays 1.

