

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.

## SENATE ENROLLED ACT No. 1

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

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

SECTION 1. IC 7.1-2-3-16.5, AS AMENDED BY P.L.109-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.5. (a) As used in this section, "facility" includes the following:

- (1) A facility to which IC 7.1-3-1-25(a) applies.
- (2) A tract that contains a premises that is described in ~~IC 7.1-3-1-14(c)(2)~~. **IC 7.1-3-1-14(d)(2)**.
- (3) A horse track or satellite facility to which IC 7.1-3-17.7 applies.
- (4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.
- (5) A tract that contains an entertainment complex.

(b) As used in this section, "tract" has the meaning set forth in IC 6-1.1-1-22.5.

(c) A facility may advertise alcoholic beverages:

- (1) in the facility's interior; or
- (2) on the facility's exterior.

(d) The commission may not exercise the prohibition power contained in section 16(a) of this chapter on advertising by a brewer, distiller, rectifier, or vintner in or on a facility.

(e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may provide advertising to a permittee that is a brewer, an artisan distiller,

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a distiller, a rectifier, or a vintner in exchange for compensation from that permittee.

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

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

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

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

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

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

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

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

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

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

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

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

(3) are being used for a professional or an amateur tournament;



beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

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

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

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

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

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

- (1) is not accessible to the general public;
- (2) has accommodations for not more than seventy-five (75) persons per suite; and
- (3) is accessible only to persons who possess a ticket:
  - (A) to an event in a building or facility referred to in subsection (a); and
  - (B) that entitles the person to occupy the area while viewing the event described in clause (A).

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

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

(d) A person who:

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

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

(e) A permittee may do any of the following:

- (1) Demand that a person occupying a suite provide:
  - (A) a written statement under IC 7.1-5-7-4; and
  - (B) identification indicating that the person is at least



twenty-one (21) years of age.

(2) Supervise the self-service of alcoholic beverages.

(3) Have an employee in the suite who holds an employee permit under IC 7.1-3-18-9 to serve some or all of the alcoholic beverages.

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



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President of the Senate

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President Pro Tempore

\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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