

SENATE BILL No. 37

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3; IC 7.1-5-10-11; IC 35-52-7-71.

Synopsis: Grocery and drug store cold beer sales. Repeals provisions that prohibit a grocery store (including a convenience store) or a drug store from selling and delivering cold beer for carryout. (Currently only a package liquor store or restaurant with carryout privileges may sell and deliver cold beer for carryout.) Removes references to the temperature of beer. Makes stylistic changes.

Effective: July 1, 2020.

Boots

January 6, 2020, read first time and referred to Committee on Public Policy.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 37

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, 2020]: 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 for carryout.~~

7 **(b) (a)** It is the intent of the general assembly, consistent with the
8 character of the business test described in section 19 of this chapter,
9 that a restaurant located within a grocery store, convenience store, or
10 drug store should not be given the privilege of selling alcoholic
11 beverages for carryout.

12 **(c) (b)** The commission shall apply the intent of the general
13 assembly, when considering the character of an applicant's business, as
14 described in section 19 of this chapter.

15 SECTION 2. IC 7.1-3-4-6 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The holder of a
17 beer retailer's permit shall be entitled to purchase beer for sale under



1 ~~his the holder's~~ permit only from a permittee entitled to sell to ~~him the~~
 2 **holder of a beer retailer's permit** under this title. A beer retailer shall
 3 be entitled to possess beer and sell ~~it beer~~ at retail to a customer for
 4 consumption on the licensed premises. A beer retailer also shall be
 5 entitled to sell beer to a customer and deliver ~~it beer~~ in permissible
 6 containers to the customer on the licensed premises, or to the
 7 customer's house.

8 (b) A beer retailer shall not be entitled to sell beer at wholesale. ~~He~~
 9 **A beer retailer** shall not be entitled to sell and deliver beer on the
 10 street or at the curb outside the licensed premises, nor shall ~~he the beer~~
 11 **retailer** be entitled to sell beer at a place other than the licensed
 12 premises. However, a beer retailer may offer food service (excluding
 13 alcoholic beverages) to a patron who is outside the licensed premises
 14 by transacting business through a window in the licensed premises.

15 (c) A beer retailer shall be entitled to sell and deliver ~~warm or cold~~
 16 beer for ~~carry out, carryout,~~ or for at-home delivery, in barrels or other
 17 commercial containers in a quantity that does not exceed fifteen and
 18 one-half (15 1/2) gallons at any one (1) time.

19 SECTION 3. IC 7.1-3-5-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The holder of a
 21 beer dealer's permit shall be entitled to purchase beer for sale under the
 22 permit only from a permittee entitled to sell to a beer dealer under this
 23 title.

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

26 (c) A beer dealer may not sell beer by the drink nor for consumption
 27 on the licensed premises nor shall a beer dealer allow ~~it beer~~ to be
 28 consumed on the licensed premises.

29 (d) Except as provided in subsection (e), a beer dealer shall be
 30 entitled to sell beer to a customer and deliver ~~it beer~~ in permissible
 31 containers to the customer on the licensed premises, or to the
 32 customer's residence or office. A beer dealer shall not be entitled to sell
 33 and deliver beer on the street or at the curb outside the licensed
 34 premises, nor shall a beer dealer be entitled to sell beer at a place other
 35 than the licensed premises. A beer dealer shall not be entitled to sell
 36 beer and deliver beer for ~~carry-out, carryout,~~ or for delivery to a
 37 customer's residence or office, in a quantity that exceeds eight hundred
 38 sixty-four (864) ounces in a single transaction. However,
 39 ~~notwithstanding IC 7.1-5-10-11,~~ a beer dealer who is licensed pursuant
 40 to IC 7.1-3-10-4 shall be entitled to sell and deliver ~~warm or cold~~ beer
 41 for ~~carry-out, carryout,~~ or for delivery to a customer's residence,
 42 office, or a designated location in barrels or other commercial



1 containers that do not exceed two thousand sixteen (2,016) ounces per
2 container. This delivery may only be performed by the permit holder or
3 an employee who holds an employee permit. The permit holder shall
4 maintain a written record of each delivery for at least one (1) year that
5 shows the customer's name, location of delivery, and quantity sold.

6 (e) Unless a beer dealer is a grocery store or drug store, a beer
7 dealer may not sell or deliver alcoholic beverages or any other item
8 through a window in the licensed premises to a patron who is outside
9 the licensed premises. A beer dealer that is a grocery store or drug store
10 may sell any item except alcoholic beverages through a window in the
11 licensed premises to a patron who is outside the licensed premises.

12 SECTION 4. IC 7.1-5-10-11 IS REPEALED [EFFECTIVE JULY
13 1, 2020]. ~~Sec. 11: (a) It is unlawful for the holder of a beer dealer's~~
14 ~~permit to offer or display for sale, or sell, barter, exchange or give away~~
15 ~~a bottle, can, container, or package of beer that was iced or cooled by~~
16 ~~the permittee before or at the time of the sale, exchange, or gift.~~

17 (b) A person who knowingly or intentionally violates this section
18 commits a Class B misdemeanor.

19 SECTION 5. IC 35-52-7-71 IS REPEALED [EFFECTIVE JULY 1,
20 2020]. ~~Sec. 71: IC 7.1-5-10-11 defines a crime concerning sales.~~

