



Reprinted
February 6, 2018

SENATE BILL No. 46

DIGEST OF SB 46 (Updated February 5, 2018 2:28 pm - DI 107)

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

Synopsis: Alcohol permits for economic development. Allows the alcohol and tobacco commission (ATC) to issue additional alcoholic beverage restaurant permits to the economic development area, redevelopment district, or economic revitalization area in Munster, Bargersville, Martinsville, and Greenwood. Allows the ATC to issue retailer's permits for two types of licensed premises within a bottling district in a consolidated city as follows: (1) A three-way retailer's permit for a designated food hall containing multiple food and beverage vendors. (2) A three-way permit for an owner or lessee of a building in the bottling district that contains retail store space. Authorizes the commission to issue a permit for a premises located near a church under certain conditions. Allows a retailer permittee or 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. Allows the ATC to issue a boat beer permit, a boat liquor permit, or a boat wine permit, to a concessionaire of the proprietor of a boat.

Effective: Upon passage; July 1, 2018.

**Sandlin, Alting, Bray, Charbonneau,
Zakas, Mrvan, Breaux, Merritt**

January 3, 2018, read first time and referred to Committee on Rules and Legislative Procedure.

January 25, 2018, amended; reassigned to Committee on Public Policy.

February 1, 2018, amended, reported favorably — Do Pass.

February 5, 2018, read second time, amended, ordered engrossed.

SB 46—LS 6066/DI 13



Reprinted
February 6, 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.

SENATE BILL No. 46

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 7.1-3-6-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. ~~Boat Beer Permits:~~
3 ~~Application.~~ The commission may issue a boat beer permit to:
4 (1) the proprietor of a boat; **or**
5 (2) **a concessionaire of the proprietor of a boat;**
6 engaged in regular passenger service and which makes regular runs in
7 seasonable weather between established termini.
8 SECTION 2. IC 7.1-3-11-9 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~Boat Liquor Permits:~~
10 The commission may issue a boat liquor permit to a person who is:
11 (1) the proprietor of a boat; **or**
12 (2) **a concessionaire of the proprietor of a boat;**
13 and who is, and continues to be, the holder of a boat beer permit and
14 boat wine permit. The commission may issue a boat liquor permit
15 without publication of notice or having an investigation before a local
16 board.
17 SECTION 3. IC 7.1-3-16-3 IS AMENDED TO READ AS

SB 46—LS 6066/DI 13



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. ~~Boat Wine Permits.~~

2 The commission may issue a boat wine permit to a person who is:

3 (1) the proprietor of a boat; **or**

4 (2) **a concessionaire of the proprietor of a boat;**

5 and who also is, and continues to be, the holder of a boat beer permit.

6 The commission may issue a boat wine permit without publication of
7 notice or having an investigation before a local board.

8 SECTION 4. IC 7.1-3-19-17, AS AMENDED BY P.L.214-2016,
9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2018]: Sec. 17. (a) This section applies to a permit issued
11 under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k),
12 IC 7.1-3-20-16(l), ~~or~~ IC 7.1-3-20-16.8, **IC 7.1-3-20-16.9,**
13 **IC 7.1-3-20-28, or IC 7.1-3-20-29,** if a municipal legislative body has
14 adopted an ordinance requiring a formal written commitment as a
15 condition of eligibility for a permit, as described in subsection (b).

16 (b) As a condition of eligibility for a permit, the applicant must
17 enter into a formal written commitment with the municipal legislative
18 body regarding the character or type of business that will be conducted
19 on the permit premises. The municipal legislative body must adopt an
20 ordinance approving the formal written commitment. A formal written
21 commitment is binding on the permit holder and on any lessee or
22 proprietor of the permit premises. When an application for renewal of
23 a permit is filed, the applicant shall forward a copy of the application
24 to the municipal legislative body. The municipal legislative body shall
25 receive notice of any filings, hearings, or other proceedings on the
26 application for renewal from the applicant.

27 (c) A formal written commitment may be modified by the municipal
28 legislative body with the agreement of the permit holder.

29 (d) Except as provided in subsection (f), the amount of time that a
30 formal written commitment is valid may not be limited or restricted.

31 (e) A formal written commitment is terminated at the time a permit
32 is revoked or not renewed.

33 (f) If the character or type of business violates the formal written
34 commitments, the municipality may adopt a recommendation to the
35 local board and the commission to:

36 (1) deny the permit holder's application to renew the permit; or

37 (2) revoke the permit holder's permit.

38 (g) The commission shall consider evidence at the hearing on the
39 issue of whether the business violated the formal written commitments.
40 If the commission determines there is sufficient evidence that the
41 commitments have been violated by the permittee, the commission
42 may:



- 1 (1) deny the application to renew the permit; or
 2 (2) revoke the permit;
 3 as applicable.

4 SECTION 5. IC 7.1-3-20-16.9 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2018]: **Sec. 16.9. (a) A permit that is**
 7 **authorized by this section may be issued without regard to the**
 8 **quota provisions of IC 7.1-3-22.**

9 (b) Except as provided in section 16.3 of this chapter, the
 10 commission may issue not more than three (3) new three-way
 11 permits to sell alcoholic beverages for on-premises consumption to
 12 applicants within a public-private partnership redevelopment in
 13 the town of Munster.

14 (c) The following apply to permits issued under this section:

15 (1) An applicant for a permit under this section must be a
 16 proprietor, as owner or lessee, or both, of a restaurant located
 17 within in a municipality's public-private partnership
 18 development.

19 (2) The cost of an initial permit is forty thousand dollars
 20 (\$40,000).

21 (3) If any of the permits issued under this section are revoked
 22 or not renewed, the commission may issue only enough new
 23 permits to bring the total number of permits to three (3)
 24 active permits.

25 (4) The municipality may adopt an ordinance under
 26 IC 7.1-3-19-17 requiring a permit holder to enter into a
 27 formal written commitment as a condition of eligibility for a
 28 permit. As set forth in IC 7.1-3-19-17(b), a formal written
 29 commitment is binding on the permit holder and on any lessee
 30 or proprietor of the permit premises.

31 (5) Notwithstanding IC 7.1-3-1-3.5, if business operations
 32 cease at the permit premises for more than six (6) months, the
 33 permit shall revert to the commission and the permit holder
 34 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 outside the area of the
 38 public-private partnership redevelopment for which the
 39 permit was issued.

40 (8) If the area in which the permit premises is located is no
 41 longer designated a public-private partnership
 42 redevelopment, a permit issued under this section may be



1 renewed, and the ownership of the permit may be transferred,
 2 but the permit may not be transferred from the public-private
 3 partnership redevelopment.

4 (d) An application for a permit under this section must include
 5 the following documentation, which is required at the time the
 6 permit application is filed with the commission:

7 (1) A detailed map showing:

8 (A) definite boundaries of the entire public-private
 9 partnership redevelopment project; and

10 (B) the location of the proposed permit premises within the
 11 project.

12 (2) A copy of the local ordinance or resolution of the local
 13 governing body authorizing the public-private partnership
 14 redevelopment project.

15 (3) Detailed information concerning the expenditures of state
 16 and city funds on the public-private partnership
 17 redevelopment project.

18 SECTION 6. IC 7.1-3-20-28 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2018]: Sec. 28. (a) This section applies only to:

21 (1) Bargersville; and

22 (2) Martinsville.

23 (b) A permit that is authorized by this section may be issued
 24 without regard to the quota provisions of IC 7.1-3-22.

25 (c) The commission may issue not more than five (5) three-way
 26 retailer's permits to applicants for premises located within an
 27 economic development area, an area needing redevelopment, or a
 28 redevelopment district as established under IC 36-7-14 in a
 29 municipality's:

30 (1) redevelopment district; or

31 (2) economic revitalization area.

32 An applicant for a permit under this section must be a proprietor,
 33 as owner or lessee, or both, of a restaurant located within the area
 34 or district.

35 (d) The following apply to permits issued under this section:

36 (1) The cost of an initial permit is forty thousand dollars
 37 (\$40,000).

38 (2) If any of the permits issued under this section are revoked
 39 or not renewed, the commission may issue new permits.
 40 However, the total number of active permits issued under this
 41 section may not exceed ten (10) permits at any time. If any of
 42 the permits issued under this section are revoked or not



- 1 renewed, the commission may issue only enough new permits
 2 to bring the total number of permits to ten (10) active permits,
 3 with not more than five (5) in each municipality.
- 4 (3) The municipality may adopt an ordinance under
 5 IC 7.1-3-19-17 requiring a permit holder to enter into a
 6 formal written commitment as a condition of eligibility for a
 7 permit. As set forth in IC 7.1-3-19-17(b), a formal written
 8 commitment is binding on the permit holder and on any lessee
 9 or proprietor of the permit premises.
- 10 (4) Notwithstanding IC 7.1-3-1-3.5, if business operations
 11 cease at the permit premises for more than six (6) months, the
 12 permit shall revert to the commission and the permit holder
 13 is not entitled to any refund or other compensation.
- 14 (5) Except as provided in subdivision (7), the ownership of a
 15 permit may not be transferred.
- 16 (6) A permit may not be transferred from the premises for
 17 which the permit was issued.
- 18 (7) If the area in which the permit premises is located is no
 19 longer designated a redevelopment district or an economic
 20 revitalization area, a permit issued under this section may be
 21 renewed, and the ownership of the permit may be transferred,
 22 but the permit may not be transferred from the permit
 23 premises.
- 24 (e) An application for a permit under this section must include
 25 the following documentation, which is required at the time the
 26 permit application is filed with the commission:
- 27 (1) A detailed map showing:
- 28 (A) definite boundaries of the entire:
- 29 (i) economic development area;
- 30 (ii) area needing redevelopment; or
- 31 (iii) redevelopment district in the municipality's
 32 redevelopment district or economic revitalization area;
- 33 and
- 34 (B) the location of the proposed permit premises within the
 35 project.
- 36 (2) A copy of the local ordinance or resolution of the local
 37 governing body authorizing the economic development area,
 38 area needing redevelopment, or redevelopment district in the
 39 municipality's redevelopment district or economic
 40 revitalization area.
- 41 (3) Detailed information concerning the expenditures of state
 42 and city funds on the economic development area, area



- 1 **needing redevelopment, or redevelopment district in the**
 2 **municipality's redevelopment district or economic**
 3 **revitalization area.**
- 4 SECTION 7. IC 7.1-3-20-29 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2018]: **Sec. 29. (a) This section applies only to the city of**
 7 **Greenwood.**
- 8 **(b) A permit that is authorized by this section may be issued**
 9 **without regard to the quota provisions of IC 7.1-3-22.**
- 10 **(c) The commission may issue not more than ten (10) three-way**
 11 **retailer's permits to applicants for premises located in the city's**
 12 **Eastside Economic Development Area. An applicant for a permit**
 13 **must be a proprietor, as owner or lessee, or both, of a restaurant**
 14 **located within the economic development area.**
- 15 **(d) The commission may issue not more than ten (10) three-way**
 16 **retailer's permits to applicants for premises located in the city's**
 17 **State Road 135 Economic Development Area. An applicant for a**
 18 **permit must be a proprietor, as owner or lessee, or both, of a**
 19 **restaurant located within the economic development area.**
- 20 **(e) The following apply to permits issued under this section:**
- 21 **(1) The cost of an initial permit is forty thousand dollars**
 22 **(\$40,000).**
- 23 **(2) If any of the permits issued under this section are revoked**
 24 **or not renewed, the commission may issue new permits.**
 25 **However, each economic development area may not have**
 26 **more than ten (10) active permits issued under this section at**
 27 **any time. The total number of active permits issued under this**
 28 **section may not exceed twenty (20) permits at any time. If any**
 29 **of the permits issued under this section are revoked or not**
 30 **renewed, the commission may issue only enough new permits**
 31 **to bring the total number of permits to twenty (20) active**
 32 **permits, with not more than ten (10) in each economic**
 33 **development area listed in subsections (c) and (d).**
- 34 **(3) The municipality may adopt an ordinance under**
 35 **IC 7.1-3-19-17 requiring a permit holder to enter into a**
 36 **formal written commitment as a condition of eligibility for a**
 37 **permit. As set forth in IC 7.1-3-19-17(b), a formal written**
 38 **commitment is binding on the permit holder and on any lessee**
 39 **or proprietor of the permit premises.**
- 40 **(4) Notwithstanding IC 7.1-3-1-3.5, if business operations**
 41 **cease at the permit premises for more than six (6) months, the**
 42 **permit shall revert to the commission and the permit holder**



1 is not entitled to any refund or other compensation.

2 (5) Except as provided in subdivision (7), the ownership of a
3 permit may not be transferred.

4 (6) A permit may not be transferred from the premises for
5 which the permit was issued.

6 (7) If the area in which the permit premises is located is no
7 longer designated an economic development area, a permit
8 issued under this section may be renewed, and the ownership
9 of the permit may be transferred, but the permit may not be
10 transferred from the permit premises.

11 (f) An application for a permit under this section must include
12 the following documentation, which is required at the time the
13 permit application is filed with the commission:

14 (1) A detailed map showing:

15 (A) definite boundaries of the entire:

16 (i) Eastside Economic Development Area; or

17 (ii) State Road 135 Economic Development Area;

18 as applicable; and

19 (B) the location of the proposed permit premises within the
20 relevant economic development area.

21 (2) A copy of the local ordinance or resolution of the local
22 governing body authorizing the relevant economic
23 development area.

24 (3) Detailed information concerning the expenditures of state
25 and city funds on the relevant economic development area.

26 SECTION 8. IC 7.1-3-20-30 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2018]: Sec. 30. (a) This section applies only to a bottling district.

29 (b) As used in this section, "bottling district" means a retail
30 shopping and food service district that has the following
31 characteristics:

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

33 (A) has been redeveloped, renovated, or environmentally
34 remediated in part with grants from the federal, state, or
35 local government; and

36 (B) is entirely located within a one and one-half (1 1/2) mile
37 radius of the center of a consolidated city.

38 (2) The district consists of land and a building or group of
39 buildings that are part of a common development and that:

40 (A) contains more than ten (10) retail stores;

41 (B) is developed in a manner such that the district is
42 self-contained upon a single plat;



- 1 (C) is located within a locally designated historic district of
2 a consolidated city; and
3 (D) contains at least one (1) building that:
4 (i) was formerly a bottling facility; and
5 (ii) has been approved for present commercial use by the
6 local historic preservation commission of the
7 consolidated city.
- 8 (c) The commission may issue not more than five (5) three-way
9 retailer's permits to sell alcoholic beverages for:
10 (1) on-premises consumption; or
11 (2) carryout;
12 to applicants who own or lease, or both, a building within the
13 bottling district that contains retail space. The cost of an initial
14 permit is forty thousand dollars (\$40,000).
- 15 (d) The commission may also issue a three-way retailer's permit
16 to sell alcoholic beverages for on-premises consumption or for
17 carryout to an applicant that is the owner or developer of a
18 building in the bottling district designated as a "food hall". A food
19 hall is a single licensed permit premises that meets the following
20 requirements:
21 (1) The food hall contains at least ten (10) different food and
22 beverage vendors. A food and beverage vending space is not
23 subject to section 9(b) of this chapter.
24 (2) The food hall has a seating capacity of at least one
25 hundred (100) people.
26 (3) The food hall and the managers operating in the food hall
27 are exempt from IC 7.1-5-7-9 and IC 7.1-5-7-10.
- 28 (e) The commission may allow multiple managers that have
29 each filed a manager's questionnaire, as required under
30 IC 7.1-5-9-15, to operate concurrently within the permit premises
31 of the designated food hall. A manager operating under a
32 manager's questionnaire is subject to the following:
33 (1) The manager shall:
34 (A) maintain the manager's own retail merchant's
35 certificate; and
36 (B) be responsible for the payment of the manager's own
37 taxes.
38 (2) The manager shall conform to all health and safety
39 requirements of local and state agencies.
40 (3) The manager shall comply with all requirements under
41 IC 7.1-5-9-15.
42 (4) The manager shall comply with IC 7.1-5-10-20 with regard



1 to the manager's own food and beverage vending space.
 2 However, IC 7.1-5-10-20 does not prohibit a manager from
 3 establishing sale prices for drinks that are different from the
 4 sale prices for comparable drinks that are set by other
 5 managers of food and beverage vending spaces in the food
 6 hall.

7 (5) The manager is not required to comply with section 9(b)
 8 of this chapter.

9 (f) A permit authorized by this section may be issued without
 10 regard to the proximity provisions of IC 7.1-3-21-11 or the quota
 11 provisions of IC 7.1-3-22.

12 (g) A permit issued under this section may not be transferred to
 13 a location outside the bottling district.

14 SECTION 9. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015,
 15 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 11. (a) As used in this section, "wall" means a
 17 wall of a building. The term does not include a boundary wall.

18 (b) Except as provided in subsections (c) and (g), the commission
 19 may not issue a permit for a premises if a wall of the premises is
 20 situated within two hundred (200) feet from a wall of a school or
 21 church, if no permit has been issued for the premises under the
 22 provisions of Acts 1933, Chapter 80. **However, the commission may**
 23 **issue a permit for a premises if the wall of the premises and the**
 24 **wall of a church are separated by at least eighty-five (85) feet,**
 25 **including a two (2) lane road having a width of at least thirty (30)**
 26 **feet.**

27 (c) This section does not apply to the premises of a:

28 (1) grocery store, drug store, restaurant, hotel, catering hall, or
 29 location for which the use of a supplemental catering permit has
 30 been approved if:

31 (A) a wall of the premises is situated within two hundred (200)
 32 feet from a wall of a church or school;

33 (B) the commission receives a written statement from the
 34 authorized representative of the church or school stating
 35 expressly that the church or school does not object to the
 36 issuance of the permit for the premises; and

37 (C) the commission determines that the church or school does
 38 not object to the issuance of the permit for the premises; or

39 (2) church or school that applies for a temporary beer or wine
 40 permit.

41 (d) The commission shall base its determination under subsection
 42 (c)(1)(C) solely on the written statement of the authorized



- 1 representative of the church or school.
- 2 (e) If the commission does not receive the written statement of the
- 3 authorized representative of the church or school, the premises of the
- 4 grocery store, drug store, restaurant, hotel, catering hall, or location for
- 5 which the use of a supplemental catering permit has been approved
- 6 may not obtain the waiver allowed under this section.
- 7 (f) If the commission determines that the church or school does not
- 8 object, this section and IC 7.1-3-21-10 do not apply to the permit
- 9 premises of the grocery store, drug store, restaurant, hotel, or catering
- 10 hall on a subsequent renewal or transfer of ownership.
- 11 (g) If the commission:
- 12 (1) receives a written statement from the authorized
- 13 representative of a church or school as described in subsection
- 14 (c)(1)(B); and
- 15 (2) determines the church or school does not object as described
- 16 in subsection (c)(1)(C);
- 17 the commission may not consider subsequent objections from the
- 18 church or school to the issuance of the same permit type at the same
- 19 premises location.
- 20 SECTION 10. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
- 21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 22 UPON PASSAGE]:
- 23 **Chapter 28. College Stadiums**
- 24 **Sec. 1. As used in this chapter, "stadium" means an**
- 25 **intercollegiate stadium that has a permanent seating capacity of at**
- 26 **least seventy thousand (70,000) people.**
- 27 **Sec. 2. (a) A stadium may:**
- 28 **(1) submit a floor plan of proposed storage locations to the**
- 29 **commission for approval; and**
- 30 **(2) indicate the primary concessionaire operating at the**
- 31 **stadium;**
- 32 **if a stadium intends to allow alcoholic beverages to be stored at the**
- 33 **stadium for use by a retailer permittee or supplemental caterer**
- 34 **operating at the stadium.**
- 35 **(b) The stadium may change the primary concessionaire**
- 36 **operating at the stadium with notification to the commission.**
- 37 **Sec. 3. A retailer permittee or a holder of a supplemental**
- 38 **caterer's permit that operates at a stadium may purchase alcoholic**
- 39 **beverages from a wholesaler or a brewery described in**
- 40 **IC 7.1-3-2-7(5) and the wholesaler or brewery described in**
- 41 **IC 7.1-3-2-7(5) may deliver the alcoholic beverages to the stadium**
- 42 **to be stored in an area that has been approved by the commission.**



1 **The alcoholic beverages may be stored temporarily or permanently**
2 **to be served later by a retailer permittee or a holder of a**
3 **supplemental caterer's permit.**

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

6 SECTION 11. IC 7.1-5-7-11, AS AMENDED BY P.L.270-2017,
7 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 11. (a) The provisions of sections 9 and 10 of this
9 chapter shall not apply if the public place involved is one (1) of the
10 following:

- 11 (1) Civic center.
- 12 (2) Convention center.
- 13 (3) Sports arena.
- 14 (4) Bowling center.
- 15 (5) Bona fide club.
- 16 (6) Drug store.
- 17 (7) Grocery store.
- 18 (8) Boat.
- 19 (9) Dining car.
- 20 (10) Pullman car.
- 21 (11) Club car.
- 22 (12) Passenger airplane.
- 23 (13) Horse racetrack facility holding a recognized meeting permit
- 24 under IC 4-31-5.
- 25 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 26 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
- 27 public.
- 28 (16) That part of a restaurant which is separate from a room in
- 29 which is located a bar over which alcoholic beverages are sold or
- 30 dispensed by the drink.
- 31 (17) Entertainment complex.
- 32 (18) Indoor golf facility.
- 33 (19) A recreational facility such as a golf course, bowling center,
- 34 or similar facility that has the recreational activity and not the sale
- 35 of food and beverages as the principal purpose or function of the
- 36 person's business.
- 37 (20) A licensed premises owned or operated by a postsecondary
- 38 educational institution described in IC 21-17-6-1.
- 39 (21) An automobile racetrack.
- 40 (22) An indoor theater under IC 7.1-3-20-26.
- 41 (23) A senior residence facility campus (as defined in
- 42 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or



- 1 furnished as provided under IC 7.1-3-1-29.
- 2 (24) A hotel other than a part of a hotel that is a room in a
- 3 restaurant in which a bar is located over which alcoholic
- 4 beverages are sold or dispensed by the drink.
- 5 (25) The location of an allowable event to which IC 7.1-3-6.1
- 6 applies.
- 7 (26) The location of a charity auction to which IC 7.1-3-6.2
- 8 applies.
- 9 (27) A farm winery and any additional locations of the farm
- 10 winery under IC 7.1-3-12, if the minor is in the company of a
- 11 parent, legal guardian or custodian, or family member who is at
- 12 least twenty-one (21) years of age.
- 13 (28) An artisan distillery under IC 7.1-3-27, if:
- 14 (A) the person who holds the artisan distiller's permit also
- 15 holds a farm winery permit under IC 7.1-3-12; and
- 16 (B) the minor is in the company of a parent, legal guardian or
- 17 custodian, or family member who is at least twenty-one (21)
- 18 years of age.
- 19 **(29) A food hall (as described in IC 7.1-3-20-30(d)) in a**
- 20 **bottling district under IC 7.1-3-20-30.**
- 21 (b) For the purpose of this subsection, "food" means meals prepared
- 22 on the licensed premises. It is lawful for a minor to be on licensed
- 23 premises in a room in which is located a bar over which alcoholic
- 24 beverages are sold or dispensed by the drink if all the following
- 25 conditions are met:
- 26 (1) The minor is eighteen (18) years of age or older.
- 27 (2) The minor is in the company of a parent, guardian, or family
- 28 member who is twenty-one (21) years of age or older.
- 29 (3) The purpose for being on the licensed premises is the
- 30 consumption of food and not the consumption of alcoholic
- 31 beverages.
- 32 **SECTION 12. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 46, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Public Policy.

(Reference is to SB 46 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 46, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-19-17, AS AMENDED BY P.L.214-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) This section applies to a permit issued under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k), IC 7.1-3-20-16(l), ~~or~~ IC 7.1-3-20-16.8, **IC 7.1-3-20-16.9, IC 7.1-3-20-28, or IC 7.1-3-20-29**, if a municipal legislative body has adopted an ordinance requiring a formal written commitment as a condition of eligibility for a permit, as described in subsection (b).

(b) As a condition of eligibility for a permit, the applicant must enter into a formal written commitment with the municipal legislative body regarding the character or type of business that will be conducted on the permit premises. The municipal legislative body must adopt an ordinance approving the formal written commitment. A formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises. When an application for renewal of a permit is filed, the applicant shall forward a copy of the application to the municipal legislative body. The municipal legislative body shall

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receive notice of any filings, hearings, or other proceedings on the application for renewal from the applicant.

(c) A formal written commitment may be modified by the municipal legislative body with the agreement of the permit holder.

(d) Except as provided in subsection (f), the amount of time that a formal written commitment is valid may not be limited or restricted.

(e) A formal written commitment is terminated at the time a permit is revoked or not renewed.

(f) If the character or type of business violates the formal written commitments, the municipality may adopt a recommendation to the local board and the commission to:

- (1) deny the permit holder's application to renew the permit; or
- (2) revoke the permit holder's permit.

(g) The commission shall consider evidence at the hearing on the issue of whether the business violated the formal written commitments. If the commission determines there is sufficient evidence that the commitments have been violated by the permittee, the commission may:

- (1) deny the application to renew the permit; or
- (2) revoke the permit;

as applicable."

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"(d) An application for a permit under this section must include the following documentation, which is required at the time the permit application is filed with the commission:

- (1) A detailed map showing:**
 - (A) definite boundaries of the entire public-private partnership redevelopment project; and**
 - (B) the location of the proposed permit premises within the project.**
- (2) A copy of the local ordinance or resolution of the local governing body authorizing the public-private partnership redevelopment project.**
- (3) Detailed information concerning the expenditures of state and city funds on the public-private partnership redevelopment project."**

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"(e) An application for a permit under this section must include the following documentation, which is required at the time the permit application is filed with the commission:

- (1) A detailed map showing:**
 - (A) definite boundaries of the entire:**



- (i) economic development area;
 - (ii) area needing redevelopment; or
 - (iii) redevelopment district in the municipality's redevelopment district or economic revitalization area;
- and

(B) the location of the proposed permit premises within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the economic development area, area needing redevelopment, or redevelopment district in the municipality's redevelopment district or economic revitalization area.

(3) Detailed information concerning the expenditures of state and city funds on the economic development area, area needing redevelopment, or redevelopment district in the municipality's redevelopment district or economic revitalization area."

Page 3, line 38, delete "twenty (20)" and insert "**ten (10)**".

Page 3, line 39, delete "two-way or".

Page 4, line 2, delete "twenty (20)" and insert "**ten (10)**".

Page 4, line 3, delete "two-way or".

Page 4, line 14, delete "twenty (20)" and insert "**ten (10)**".

Page 4, line 16, delete "forty (40)" and insert "**twenty (20)**".

Page 4, line 19, delete "forty (40)" and insert "**twenty (20)**".

Page 4, line 20, delete "twenty (20)" and insert "**ten (10)**".

Page 4, between lines 40 and 41, begin a new paragraph and insert:

"(f) An application for a permit under this section must include the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire:

(i) Eastside Economic Development Area; or

(ii) State Road 135 Economic Development Area;

as applicable; and

(B) the location of the proposed permit premises within the relevant economic development area.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the relevant economic development area.

(3) Detailed information concerning the expenditures of state and city funds on the relevant economic development area."

Page 6, between lines 27 and 28, begin a new paragraph and insert:



"SECTION 6. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: 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), 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. **However, 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 having a width of at least thirty (30) feet.**

(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.

SECTION 7. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 28. 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 7, line 41, after "A" insert "food hall (as described in IC 7.1-3-20-30(d)) in a".

Page 8, after line 10, begin a new paragraph and insert:



"SECTION 9. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 46 as printed January 26, 2018.)

ALTING, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 46 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. ~~Boat Beer Permits: Application.~~ The commission may issue a boat beer permit to:

- (1) the proprietor of a boat; **or**
- (2) **a concessionaire of the proprietor of a boat;**

engaged in regular passenger service and which makes regular runs in seasonable weather between established termini.

SECTION 2. IC 7.1-3-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. ~~Boat Liquor Permits.~~ The commission may issue a boat liquor permit to a person who is:

- (1) the proprietor of a boat; **or**
- (2) **a concessionaire of the proprietor of a boat;**

and who is, and continues to be, the holder of a boat beer permit and boat wine permit. The commission may issue a boat liquor permit without publication of notice or having an investigation before a local board.

SECTION 3. IC 7.1-3-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. ~~Boat Wine Permits.~~ The commission may issue a boat wine permit to a person who is:

- (1) the proprietor of a boat; **or**
- (2) **a concessionaire of the proprietor of a boat;**

and who also is, and continues to be, the holder of a boat beer permit. The commission may issue a boat wine permit without publication of notice or having an investigation before a local board."

Page 7, line 26, delete "a" and insert "**not more than five (5)**".

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Page 7, line 26, delete "permit" and insert "**permits**".

Page 7, line 30, delete "an applicant" and insert "**applicants**".

Page 7, line 30, delete "is the owner or lessee," and insert "**own or lease,**".

Page 7, line 30, delete "of".

Page 7, line 31, after "space." insert "**The cost of an initial PERMIT is forty thousand dollars (\$40,000).**".

Renumber all SECTIONS consecutively.

(Reference is to SB 46 as printed February 2, 2018.)

SANDLIN

