

SENATE BILL No. 149

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-2-3-16.5; IC 7.1-3; IC 7.1-4; IC 7.1-5.

Synopsis: Alcoholic beverages. Creates a supplemental dealer's permit. Provides that a supplemental dealer's permit may be issued only to a holder of a beer, wine, or liquor dealer's permit. Allows the holder of a supplemental dealer's permit to sell alcoholic beverages for carryout on Sunday. Establishes fees for a supplemental dealer's permit. Requires the fees to be deposited in the enforcement and administration fund of the alcohol and tobacco commission. Allows the holder of a package liquor store permit, farm winery permit, or microbrewery permit to sell carryout alcoholic beverages on Sunday without a supplemental dealer's permit. Allows a minor to be on the licensed premises of a package liquor store if the minor is accompanied by the minor's parent or guardian who is at least 21 years of age. Eliminates residency requirements for alcoholic beverage dealers. Repeals a provision that limits the commodities that a package liquor store may sell.

Effective: July 1, 2014.

Boots

January 8, 2014, read first time and referred to Committee on Public Policy.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 149



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 JULY 1, 2014]: 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.



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

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

8 SECTION 2. IC 7.1-3-1-14, AS AMENDED BY P.L.10-2010,
9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2014]: Sec. 14. (a) It is lawful for an appropriate permittee,
11 unless otherwise specifically provided in this title, to sell alcoholic
12 beverages each day Monday through Saturday from 7 a.m., prevailing
13 local time, until 3 a.m., prevailing local time, the following day. Sales
14 shall cease wholly on Sunday at 3 a.m., prevailing local time, and not
15 be resumed 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 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.

20 **(c) It is lawful for the holder of a:**

21 **(1) supplemental dealer's permit;**

22 **(2) liquor dealer's permit for a package liquor store;**

23 **(3) farm winery permit; or**

24 **(4) brewer's permit for a brewery that manufactures not**
25 **more than thirty thousand (30,000) barrels of beer in a**
26 **calendar year;**

27 **to sell on Sunday from 7 a.m., prevailing local time, until 3 a.m.,**
28 **prevailing local time, the following day, the appropriate alcoholic**
29 **beverages for consumption only off the licensed premises.**

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

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

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

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

41 ~~(e)~~ **(e)** It is lawful for the holder of a valid beer, wine, or liquor
42 wholesaler's permit to sell to the holder of a valid retailer's or dealer's



- 1 permit at any time.
- 2 SECTION 3. IC 7.1-3-2-7, AS AMENDED BY P.L.71-2012,
 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2014]: Sec. 7. The holder of a brewer's permit or an
 5 out-of-state brewer holding either a primary source of supply permit or
 6 an out-of-state brewer's permit may do the following:
- 7 (1) Manufacture beer.
 - 8 (2) Place beer in containers or bottles.
 - 9 (3) Transport beer.
 - 10 (4) Sell and deliver beer to a person holding a beer wholesaler's
 11 permit issued under IC 7.1-3-3.
 - 12 (5) If the brewer's brewery manufactures not more than thirty
 13 thousand (30,000) barrels of beer in a calendar year for sale or
 14 distribution within Indiana, the permit holder may do the
 15 following:
 - 16 (A) Sell and deliver beer to a person holding a retailer or a
 17 dealer permit under this title.
 - 18 (B) Be the proprietor of a restaurant.
 - 19 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
 20 liquor retailer's permit for a restaurant established under clause
 21 (B).
 - 22 (D) Transfer beer directly from the brewery to the restaurant
 23 by means of:
 - 24 (i) bulk containers; or
 - 25 (ii) a continuous flow system.
 - 26 (E) Install a window between the brewery and an adjacent
 27 restaurant that allows the public and the permittee to view both
 28 premises.
 - 29 (F) Install a doorway or other opening between the brewery
 30 and an adjacent restaurant that provides the public and the
 31 permittee with access to both premises.
 - 32 (G) Sell the brewery's beer by the glass for consumption on the
 33 premises. Brewers permitted to sell beer by the glass under
 34 this clause must furnish the minimum food requirements
 35 prescribed by the commission.
 - 36 (H) Sell and deliver beer to a consumer at the permit premises
 37 of the brewer or at the residence of the consumer. The delivery
 38 to a consumer may be made only in a quantity at any one (1)
 39 time of not more than one-half (1/2) barrel, but the beer may
 40 be contained in bottles or other permissible containers.
 - 41 (I) Sell the brewery's beer as authorized by this section **and as**
 42 **provided in IC 7.1-3-1-14** for carryout on Sunday in a



- 1 quantity at any one (1) time of not more than five hundred
 2 seventy-six (576) ounces. A brewer's beer may be sold under
 3 this clause at any address for which the brewer holds a
 4 brewer's permit issued under this chapter if the address is
 5 located within the same city boundaries in which the beer was
 6 manufactured.
- 7 (6) If the brewer's brewery manufactures more than thirty
 8 thousand (30,000) barrels of beer in a calendar year for sale or
 9 distribution within Indiana, the permit holder may own a portion
 10 of the corporate stock of another brewery that:
- 11 (A) is located in the same county as the brewer's brewery;
 12 (B) manufactures less than thirty thousand (30,000) barrels of
 13 beer in a calendar year; and
 14 (C) is the proprietor of a restaurant that operates under
 15 subdivision (5).
- 16 (7) Provide complimentary samples of beer that are:
- 17 (A) produced by the brewer; and
 18 (B) offered to consumers for consumption on the brewer's
 19 premises.
- 20 (8) Own a portion of the corporate stock of a sports corporation
 21 that:
- 22 (A) manages a minor league baseball stadium located in the
 23 same county as the brewer's brewery; and
 24 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 25 liquor retailer's permit for a restaurant located in that stadium.
- 26 (9) For beer described in IC 7.1-1-2-3(a)(4):
- 27 (A) may allow transportation to and consumption of the beer
 28 on the licensed premises; and
 29 (B) may not sell, offer to sell, or allow sale of the beer on the
 30 licensed premises.

31 SECTION 4. IC 7.1-3-2-9 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. An out-of-state
 33 brewer holding either a primary source of supply permit or an
 34 out-of-state brewer's permit may:

- 35 (1) appoint a beer wholesaler to perform the services described in
 36 ~~IC 7.1-3-3-5(f)(1)~~ **IC 7.1-3-3-5(g)(1)** through ~~IC 7.1-3-3-5(f)(2);~~
 37 **IC 7.1-3-3-5(g)(2)**; and
 38 (2) provide a fee to a beer wholesaler who performs the services
 39 described in ~~IC 7.1-3-3-5(f)(1)~~ **IC 7.1-3-3-5(g)(1)** through
 40 ~~IC 7.1-3-3-5(f)(2);~~ **IC 7.1-3-3-5(g)(2)**.

41 SECTION 5. IC 7.1-3-3-5, AS AMENDED BY P.L.94-2008,
 42 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 5. (a) The holder of a beer wholesaler's permit
 2 may purchase and import from the primary source of supply, possess,
 3 and sell at wholesale, beer and flavored malt beverages manufactured
 4 within or without this state.

5 (b) A beer wholesaler permittee may possess, transport, sell, and
 6 deliver beer to:

7 (1) another beer wholesaler authorized by the brewer to sell the
 8 brand purchased;

9 (2) an employee; or

10 (3) a holder of a beer retailer's permit, beer dealer's permit,
 11 temporary beer permit, dining car permit, boat permit, airplane
 12 permit, ~~or~~ supplemental caterer's permit, **or supplemental**
 13 **dealer's permit;**

14 located within this state. The sale, transportation, and delivery of beer
 15 shall be made only from inventory that has been located on the
 16 wholesaler's premises before the time of invoicing and delivery.

17 (c) The beer wholesaler's bona fide regular employees may purchase
 18 beer from the wholesaler in:

19 (1) bottles, cans, or any other type of permissible containers in an
 20 amount not to exceed forty-eight (48) pints; or

21 (2) one (1) keg;

22 at any one (1) time.

23 (d) The importation, transportation, possession, sale, and delivery
 24 of beer shall be subject to the rules of the commission and subject to
 25 the same restrictions provided in this title for a person holding a
 26 brewer's permit.

27 (e) **Except as provided in subsection (f)**, the holder of a beer
 28 wholesaler's permit may purchase, import, possess, transport, sell, and
 29 deliver any commodity listed in ~~IC 7-1-3-10-5~~, **of the following**
 30 **commodities** unless prohibited by this title: ~~However,~~

31 **(1) Beer in permissible containers, if the permittee has the**
 32 **proper permit.**

33 **(2) Bar supplies used in the preparation for consumption of**
 34 **alcoholic beverages and in their consumption.**

35 **(3) Tobacco products.**

36 **(4) Uncooled and uniced charged water, carbonated soda,**
 37 **ginger ale, mineral water, grenadine, and flavoring extracts.**

38 **(5) Printed materials.**

39 **(6) Lottery tickets as provided in IC 4-30-9.**

40 **(7) Cooled or uncooled nonalcoholic malt beverages.**

41 **(8) Flavored malt beverage in its original package.**

42 (f) A beer wholesaler may deliver flavored malt beverages only to



- 1 the holder of one (1) of the following permits:
- 2 (1) A beer wholesaler or wine wholesaler permit, if the wholesaler
- 3 is authorized by the primary source of supply to sell the brand of
- 4 flavored malt beverage purchased.
- 5 (2) A wine retailer's permit, wine dealer's permit, temporary wine
- 6 permit, dining car wine permit, boat permit, airplane permit, ~~or~~
- 7 supplemental caterer's permit, **or supplemental dealer's permit.**
- 8 ~~(f)~~ **(g)** A beer wholesaler may:
- 9 (1) store beer for an out-of-state brewer described in IC 7.1-3-2-9
- 10 and deliver the stored beer to another beer wholesaler that the
- 11 out-of-state brewer authorizes to sell the beer;
- 12 (2) perform all necessary accounting and auditing functions
- 13 associated with the services described in subdivision (1); and
- 14 (3) receive a fee from an out-of-state brewer for the services
- 15 described in subdivisions (1) through (2).
- 16 SECTION 6. IC 7.1-3-8-3, AS AMENDED BY P.L.109-2013,
- 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2014]: Sec. 3. (a) The holder of a liquor wholesaler's permit
- 19 shall be entitled to sell liquor at wholesale.
- 20 (b) A liquor wholesaler shall be entitled to purchase liquor within
- 21 this state from a person who holds an artisan distiller's permit, a
- 22 distiller's permit, a rectifier's permit, or a liquor wholesaler's permit. A
- 23 liquor wholesaler also may purchase liquor outside this state from the
- 24 primary source of supply and, from that source, may transport and
- 25 import liquor into this state.
- 26 (c) A liquor wholesaler may sell, transport, and deliver liquor only
- 27 to a person who, under this title, holds a:
- 28 (1) liquor retailer's permit;
- 29 (2) supplemental caterer's permit;
- 30 (3) liquor dealer's permit; ~~or~~
- 31 (4) liquor wholesaler's permit; **or**
- 32 **(5) supplemental dealer's permit.**
- 33 The sale, transportation, and delivery of liquor shall be made only from
- 34 inventory that has been located on the wholesaler's premises before the
- 35 time of invoicing and delivery, and only in permissible containers and
- 36 is subject to the rules of the commission fixing the quantity which may
- 37 be sold or delivered at any one (1) time.
- 38 (d) A liquor wholesaler's bona fide regular employees may purchase
- 39 liquor from the wholesaler in an amount not to exceed eighteen (18)
- 40 liters.
- 41 SECTION 7. IC 7.1-3-9-12 IS AMENDED TO READ AS
- 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section



- 1 applies to:
- 2 (1) the holder of a three-way permit that is issued to a civic
- 3 center, a sports arena, a stadium, an exhibition hall, an
- 4 auditorium, a theater, a tract that contains a premises that is
- 5 described in ~~IC 7.1-3-1-14(e)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a
- 6 convention center; or
- 7 (2) the holder of a catering permit while catering alcoholic
- 8 beverages at a civic center, a sports arena, a stadium, an
- 9 exhibition hall, an auditorium, a theater, a tract that contains a
- 10 premises that is described in ~~IC 7.1-3-1-14(e)(2)~~;
- 11 **IC 7.1-3-1-14(d)(2)**, or a convention center.
- 12 (b) As used in this section, "suite" means an area in a building or
- 13 facility referred to in subsection (a) that:
- 14 (1) is not accessible to the general public;
- 15 (2) has accommodations for not more than seventy-five (75)
- 16 persons per suite; and
- 17 (3) is accessible only to persons who possess a ticket:
- 18 (A) to an event in a building or facility referred to in
- 19 subsection (a); and
- 20 (B) that entitles the person to occupy the area while viewing
- 21 the event described in clause (A).
- 22 The term does not include a restaurant, lounge, or concession area,
- 23 even if access to the restaurant, lounge, or concession area is limited to
- 24 certain ticket holders.
- 25 (c) A permittee may allow the self-service of individual servings of
- 26 alcoholic beverages in a suite.
- 27 (d) A person who:
- 28 (1) possesses a ticket described in subsection (b)(3); and
- 29 (2) is at least twenty-one (21) years of age;
- 30 may obtain an alcoholic beverage in a suite by self-service.
- 31 (e) A permittee may do any of the following:
- 32 (1) Demand that a person occupying a suite provide:
- 33 (A) a written statement under IC 7.1-5-7-4; and
- 34 (B) identification indicating that the person is at least
- 35 twenty-one (21) years of age.
- 36 (2) Supervise the self-service of alcoholic beverages.
- 37 (3) Have an employee in the suite who holds an employee permit
- 38 under IC 7.1-3-18-9 to serve some or all of the alcoholic
- 39 beverages.
- 40 SECTION 8. IC 7.1-3-10-5 IS REPEALED [EFFECTIVE JULY 1,
- 41 2014]. ~~Sec. 5: A package liquor store's exclusive business shall be the~~
- 42 ~~selling of the following commodities only:~~



- 1 (1) Liquor in its original package.
 2 (2) Beer in permissible containers, if the permittee has the proper
 3 permit.
 4 (3) Wine in its original package.
 5 (4) Bar supplies used in the preparation for consumption of
 6 alcoholic beverages and in their consumption.
 7 (5) Tobacco products.
 8 (6) Uncooled and uniced charged water, carbonated soda, ginger
 9 ale, mineral water, grenadine, and flavoring extracts.
 10 (7) Printed materials.
 11 (8) Lottery tickets as provided in IC 4-30-9.
 12 (9) Cooled or uncooled nonalcoholic malt beverages.
 13 (10) Flavored malt beverage in its original package.

14 SECTION 9. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2014]: **Sec. 14. The holder of a liquor dealer's permit for a
 17 package liquor store may sell on Sunday, as provided in
 18 IC 7.1-3-1-14, alcoholic beverages for consumption only off the
 19 licensed premises.**

20 SECTION 10. IC 7.1-3-12-5, AS AMENDED BY P.L.186-2011,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2014]: Sec. 5. (a) The holder of a farm winery permit:

- 23 (1) is entitled to manufacture wine and to bottle wine produced by
 24 the permit holder's farm winery;
 25 (2) is entitled to serve complimentary samples of the winery's
 26 wine on the licensed premises or an outside area that is
 27 contiguous to the licensed premises as approved by the
 28 commission if each employee who serves wine on the licensed
 29 premises:
 30 (A) holds an employee permit under IC 7.1-3-18-9; and
 31 (B) completes a server training program approved by the
 32 commission;
 33 (3) is entitled to sell the winery's wine on the licensed premises to
 34 consumers either by the glass, or by the bottle, or both;
 35 (4) is entitled to sell the winery's wine to consumers by the bottle
 36 at a farmers' market that is operated on a nonprofit basis;
 37 (5) is entitled to sell wine by the bottle or by the case to a person
 38 who is the holder of a permit to sell wine at wholesale;
 39 (6) is exempt from the provisions of IC 7.1-3-14;
 40 (7) is entitled to advertise the name and address of any retailer or
 41 dealer who sells wine produced by the permit holder's winery;
 42 (8) for wine described in IC 7.1-1-2-3(a)(4):



1 (A) may allow transportation to and consumption of the wine
 2 on the licensed premises; and
 3 (B) may not sell, offer to sell, or allow the sale of the wine on
 4 the licensed premises;
 5 (9) is entitled to purchase and sell bulk wine as set forth in this
 6 chapter;
 7 (10) is entitled to sell wine as authorized by this section **and as**
 8 **provided in IC 7.1-3-1-14** for carryout on Sunday; and
 9 (11) is entitled to sell and ship the farm winery's wine to a person
 10 located in another state in accordance with the laws of the other
 11 state.

12 (b) With the approval of the commission, a holder of a permit under
 13 this chapter may conduct business at not more than three (3) additional
 14 locations that are separate from the winery. At the additional locations,
 15 the holder of a permit may conduct any business that is authorized at
 16 the first location, except for the manufacturing or bottling of wine.

17 (c) With the approval of the commission, a holder of a permit under
 18 this chapter may, individually or with other permit holders under this
 19 chapter, participate in a trade show or an exposition at which products
 20 of each permit holder participant are displayed, promoted, and sold.
 21 The commission may not grant approval under this subsection to a
 22 holder of a permit under this chapter for more than forty-five (45) days
 23 in a calendar year.

24 SECTION 11. IC 7.1-3-13-3, AS AMENDED BY P.L.165-2006,
 25 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2014]: Sec. 3. (a) The holder of a wine wholesaler's permit
 27 may purchase, import, and transport wine, brandy, or flavored malt
 28 beverage from the primary source of supply. A wine wholesaler may
 29 export and transport wine, brandy, or flavored malt beverage by the
 30 bottle, barrel, cask, or other container to points outside Indiana. A wine
 31 wholesaler is entitled to sell, furnish, and deliver wine or flavored malt
 32 beverage from inventory that has been located on the wholesaler's
 33 premises before the time of invoicing and delivery to a wine
 34 wholesaler, a wine retailer, a supplemental caterer, a temporary wine
 35 permittee, **and** a wine dealer, **and a supplemental dealer**, but not at
 36 retail. A wine wholesaler may sell, furnish, and deliver brandy from
 37 inventory that has been located on the wholesaler's premises before the
 38 time of invoicing and delivery, but not at retail, only to a person who
 39 holds a liquor retailer's permit, a supplemental caterer's permit, **or** a
 40 liquor dealer's permit, **or a supplemental dealer's permit**. A holder of
 41 a wine wholesaler's permit may sell wine to the wine wholesaler's bona
 42 fide regular employees.



- 1 (b) As used in this section, "brandy" means:
- 2 (1) any alcoholic distillate described in 27 CFR 5.22(d) as in
- 3 effect on January 1, 1983; or
- 4 (2) a beverage product that:
- 5 (A) is prepared from a liquid described in subdivision (1);
- 6 (B) is classified as a cordial or liqueur as defined in 27 CFR
- 7 5.22(h) as in effect on January 1, 1997; and
- 8 (C) meets the following requirements:
- 9 (i) At least sixty-six and two-thirds percent (66 2/3%) of the
- 10 product's alcohol content is composed of a substance
- 11 described in subdivision (1).
- 12 (ii) The product's label makes no reference to any distilled
- 13 spirit other than brandy.
- 14 (iii) The product's alcohol content is not less than sixteen
- 15 percent (16%) by volume or thirty-two (32) degrees proof.
- 16 (iv) The product contains dairy cream.
- 17 (v) The product's sugar, dextrose, or levulose content is at
- 18 least twenty percent (20%) of the product's weight.
- 19 (vi) The product contains caramel coloring.
- 20 (c) Nothing in this section allows a wine wholesaler to sell, give,
- 21 purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless
- 22 the wine wholesaler also holds a beer wholesaler's permit under
- 23 IC 7.1-3-3-1.
- 24 (d) A wine wholesaler that also holds a liquor wholesaler's permit
- 25 under IC 7.1-3-8 may not:
- 26 (1) hold a beer wholesaler's permit under IC 7.1-3-3;
- 27 (2) possess, sell, or transport beer; or
- 28 (3) sell more than one million (1,000,000) gallons of flavored
- 29 malt beverage during a calendar year.
- 30 SECTION 12. IC 7.1-3-21-3, AS AMENDED BY P.L.165-2006,
- 31 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2014]: Sec. 3. The commission shall not issue:
- 33 (1) an alcoholic beverage retailer's or ~~dealer's~~ permit of any type;
- 34 or
- 35 (2) a liquor wholesaler's permit;
- 36 to a person who has not been a continuous and bona fide resident of
- 37 Indiana for five (5) years immediately preceding the date of the
- 38 application for a permit.
- 39 SECTION 13. IC 7.1-3-21-4, AS AMENDED BY P.L.165-2006,
- 40 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2014]: Sec. 4. The commission shall not issue:
- 42 (1) a liquor wholesaler's permit; or



1 (2) an alcoholic beverage retailer's ~~or dealer's~~ permit;
 2 of any type to a partnership unless each member of the partnership
 3 possesses the same qualifications as those required of an individual
 4 applicant for that particular type of permit.

5 SECTION 14. IC 7.1-3-21-5, AS AMENDED BY P.L.165-2006,
 6 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 5. (a) The commission shall not issue:

8 (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;
 9 or

10 (2) a liquor wholesaler's permit;
 11 to a corporation unless sixty percent (60%) of the outstanding common
 12 stock is owned by persons who have been continuous and bona fide
 13 residents of Indiana for five (5) years.

14 (b) The commission shall not issue a liquor wholesaler's permit to
 15 a corporation unless at least one (1) of the stockholders shall have been
 16 a resident, for at least one (1) year immediately prior to making
 17 application for the permit, of the county in which the licensed premises
 18 are to be situated.

19 (c) Each officer and stockholder of a corporation shall possess all
 20 other qualifications required of an individual applicant for that
 21 particular type of permit.

22 SECTION 15. IC 7.1-3-21-5.2, AS AMENDED BY P.L.165-2006,
 23 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 5.2. (a) The commission shall not issue:

25 (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;
 26 or

27 (2) a liquor wholesaler's permit;
 28 to a limited partnership unless at least sixty percent (60%) of the
 29 partnership interest is owned by persons who have been continuous and
 30 bona fide residents of Indiana for five (5) years.

31 (b) The commission shall not issue a liquor wholesaler's permit to
 32 a limited partnership unless for at least one (1) year immediately before
 33 making application for the permit, at least one (1) of the persons having
 34 a partnership interest has been a resident of the county in which the
 35 licensed premises are to be situated.

36 (c) Each general partner and limited partner of a limited partnership
 37 must possess all other qualifications required of an individual applicant
 38 for that particular type of permit.

39 SECTION 16. IC 7.1-3-21-5.4, AS AMENDED BY P.L.165-2006,
 40 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2014]: Sec. 5.4. (a) The commission shall not issue:

42 (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;



1 or
 2 (2) a liquor wholesaler's permit;
 3 to a limited liability company unless at least sixty percent (60%) of the
 4 membership interest is owned by persons who have been continuous
 5 and bona fide residents of Indiana for five (5) years.

6 (b) The commission shall not issue a liquor wholesaler's permit to
 7 a limited liability company unless for at least one (1) year immediately
 8 before making application for the permit, at least one (1) of the persons
 9 having a membership interest has been a resident of the county in
 10 which the licensed premises are to be situated.

11 (c) Each manager and member of a limited liability company must
 12 possess all other qualifications required of an individual applicant for
 13 that particular type of permit.

14 SECTION 17. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]:

17 **Chapter 28. Supplemental Dealer's Permit**

18 **Sec. 1. This chapter does not apply to a holder of a liquor**
 19 **dealer's permit for a package liquor store.**

20 **Sec. 2. The commission may issue a supplemental dealer's**
 21 **permit only to a holder of a beer, wine, or liquor dealer's permit.**
 22 **The holder of a beer, wine, or liquor dealer's permit may sell**
 23 **alcoholic beverages as follows:**

24 (1) A holder of a beer, wine, or liquor dealer's permit may sell
 25 alcoholic beverages Monday through Saturday under
 26 IC 7.1-3-1-14.

27 (2) A holder of a beer, wine, or liquor dealer's permit that also
 28 holds a supplemental dealer's permit under this chapter may
 29 also sell alcoholic beverages on Sunday to customers for
 30 consumption only off the licensed premises under
 31 IC 7.1-3-1-14.

32 **Sec. 3. The holder of a supplemental dealer's permit is entitled**
 33 **to:**

34 (1) purchase alcoholic beverages only from a permittee
 35 entitled to sell to the holder of the supplemental dealer's
 36 permit under this title;

37 (2) possess and sell only those types of alcoholic beverages
 38 that the dealer may lawfully possess and sell under the permit
 39 held by the dealer that qualifies the dealer to also hold a
 40 supplemental dealer's permit; and

41 (3) sell the appropriate alcoholic beverages for consumption
 42 off the licensed premises on Sunday, as provided in



1 **IC 7.1-3-1-14.**

2 **Sec. 4. A supplemental dealer's permit, for purposes of this title,**
 3 **is considered a separate and distinct type of dealer's permit. It does**
 4 **not affect the rights, privileges, and restrictions applicable to any**
 5 **other type of dealer's permit. The rights, privileges, and**
 6 **restrictions provided in this title for a supplemental dealer's permit**
 7 **apply only on Sundays.**

8 SECTION 18. IC 7.1-4-4.1-12.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2014]: **Sec. 12.5. The following annual permit**
 11 **fee is imposed for a supplemental dealer's permit issued under**
 12 **IC 7.1-3-28:**

13 **(1) Five hundred dollars (\$500), if the dealer sells only beer,**
 14 **only liquor, or only wine.**

15 **(2) Seven hundred fifty dollars (\$750), if the dealer sells:**

16 **(A) both beer and wine but no liquor;**

17 **(B) both wine and liquor but no beer; or**

18 **(C) both beer and liquor but no wine.**

19 **(3) One thousand dollars (\$1,000), if the dealer sells beer,**
 20 **wine, and liquor.**

21 SECTION 19. IC 7.1-4-10-1.5 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. Not later than the fifth day**
 24 **of each month, the treasurer of state shall transfer the**
 25 **supplemental dealer's permit fee proceeds deposited with the**
 26 **treasurer of state under IC 7.1-4-11-2.6 into the enforcement and**
 27 **administration fund established under this chapter.**

28 SECTION 20. IC 7.1-4-11-2.6 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2014]: **Sec. 2.6. The chairman shall collect**
 31 **the required permit fee paid for a supplemental dealer's permit**
 32 **under IC 7.1-4-4.1-12.5 and deposit the proceeds of the fee daily**
 33 **with the treasurer of state. The treasurer of state shall transfer the**
 34 **supplemental dealer's permit fee proceeds into the enforcement**
 35 **and administration fund under IC 7.1-4-10-1.5.**

36 SECTION 21. IC 7.1-5-5-11, AS AMENDED BY P.L.224-2005,
 37 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: **Sec. 11. (a) Except as provided in subsections (c) and**
 39 **(d), it is unlawful for a manufacturer of alcoholic beverages or a**
 40 **permittee authorized to sell and deliver alcoholic beverages to:**

41 **(1) give, supply, furnish, or grant to another permittee who**
 42 **purchases alcoholic beverages from him or her a rebate, sum of**



1 money, accessory, furniture, fixture, loan of money, concession,
2 privilege, use, title, interest, lease, or rental of premises; or

3 (2) except as provided in IC 7.1-3-2-9 and ~~IC 7.1-3-3-5(f)~~,
4 **IC 7.1-3-3-5(g)**, have a business dealing with the other permittee.

5 (b) This section shall not apply to the sale and delivery and
6 collection of the sale price of an alcoholic beverage in the ordinary
7 course of business.

8 (c) If the promotional program is approved under the rules adopted
9 by the commission and is conducted in all wholesaler establishments
10 through which the manufacturer distributes alcoholic beverages in
11 Indiana, a manufacturer of alcoholic beverages may award bona fide
12 promotional prizes and awards to any of the following:

13 (1) A person with a wholesaler's permit issued under IC 7.1-3.

14 (2) An employee of a person with a wholesaler's permit issued
15 under IC 7.1-3.

16 (d) A manufacturer may offer on a nondiscriminatory basis bona
17 fide incentives to wholesalers when the incentives are determined
18 based on sales to retailers or dealers occurring during specified times
19 for specified products. The incentive may be conditioned on the
20 wholesaler selling a:

21 (1) specified product at a specified price or less than a specified
22 price; or

23 (2) minimum quantity of a specified product to a single customer
24 in a single transaction.

25 The incentive may not be conditioned on a wholesaler having total
26 sales of a minimum quantity of a specified product during the
27 applicable period.

28 SECTION 22. IC 7.1-5-7-11, AS AMENDED BY P.L.10-2010,
29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2014]: Sec. 11. (a) The provisions of sections 9 and 10 of this
31 chapter shall not apply if the public place involved is one (1) of the
32 following:

33 (1) Civic center.

34 (2) Convention center.

35 (3) Sports arena.

36 (4) Bowling center.

37 (5) Bona fide club.

38 (6) Drug store.

39 (7) Grocery store.

40 (8) Boat.

41 (9) Dining car.

42 (10) Pullman car.



- 1 (11) Club car.
- 2 (12) Passenger airplane.
- 3 (13) Horse racetrack facility holding a recognized meeting permit
- 4 under IC 4-31-5.
- 5 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 6 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
- 7 public.
- 8 (16) That part of a hotel or restaurant which is separate from a
- 9 room in which is located a bar over which alcoholic beverages are
- 10 sold or dispensed by the drink.
- 11 (17) Entertainment complex.
- 12 (18) Indoor golf facility.
- 13 (19) A recreational facility such as a golf course, bowling center,
- 14 or similar facility that has the recreational activity and not the sale
- 15 of food and beverages as the principal purpose or function of the
- 16 person's business.
- 17 (20) A licensed premises owned or operated by a postsecondary
- 18 educational institution described in IC 21-17-6-1.
- 19 (21) An automobile racetrack.
- 20 (22) An indoor theater under IC 7.1-3-20-26.
- 21 **(23) A package liquor store, if the requirements of subsection**
- 22 **(c) are met.**
- 23 (b) For the purpose of this subsection, "food" means meals prepared
- 24 on the licensed premises. It is lawful for a minor to be on licensed
- 25 premises in a room in which is located a bar over which alcoholic
- 26 beverages are sold or dispensed by the drink if all the following
- 27 conditions are met:
- 28 (1) The minor is eighteen (18) years of age or older.
- 29 (2) The minor is in the company of a parent, guardian, or family
- 30 member who is twenty-one (21) years of age or older.
- 31 (3) The purpose for being on the licensed premises is the
- 32 consumption of food and not the consumption of alcoholic
- 33 beverages.
- 34 **(c) It is lawful for a minor to be on the licensed premises of a**
- 35 **package liquor store if the minor is:**
- 36 **(1) employed under section 13(1) of this chapter; or**
- 37 **(2) in the company of the minor's parent or guardian who is**
- 38 **at least twenty-one (21) years of age.**

