



January 29, 2021

SENATE BILL No. 310

DIGEST OF SB 310 (Updated January 27, 2021 2:34 pm - DI 140)

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

Synopsis: Carryout sales in an economic development area. Allows a person who holds a restaurant permit in an economic development area and an interest in a brewery, farm winery, or artisan distillery (production facility) located on or adjacent to the restaurant, to sell alcoholic beverages for carryout that are manufactured at the production facility in a general merchandising area of the restaurant. Provides that carryout may be sold from a self-service display in the general merchandising area. Provides that a minor may: (1) be in the general merchandising area; and (2) tour the production facility, if the minor is accompanied by an adult family member and the tour does not include the consumption, tasting, or sampling of alcoholic beverages. (Current law allows a minor to be on the premises of a farm winery or artisan distillery if accompanied by an adult family member, but not a brewery.)

Effective: July 1, 2021.

**Charbonneau, Alting, Garten,
Ford Jon, Niezgodski, Tallian**

January 11, 2021, read first time and referred to Committee on Public Policy.
January 28, 2021, reported favorably — Do Pass.

SB 310—LS 6927/DI 87



January 29, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 310

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 7.1-3-20-16, AS AMENDED BY P.L.285-2019,
2 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 16. (a) A permit that is authorized by this section
4 may be issued without regard to the quota provisions of IC 7.1-3-22.

5 (b) The commission may issue a three-way permit to sell alcoholic
6 beverages for on-premises consumption only to an applicant who is the
7 proprietor, as owner or lessee, or both, of a restaurant facility in the
8 passenger terminal complex of a publicly owned airport. A permit
9 issued under this subsection shall not be transferred to a location off
10 the airport premises.

11 (c) Except as provided in section 16.3 **and 16.4** of this chapter, the
12 commission may issue a three-way, two-way, or one-way permit to sell
13 alcoholic beverages for on-premises consumption only to an applicant
14 who is the proprietor, as owner or lessee, or both, of a restaurant within
15 a redevelopment project consisting of a building or group of buildings
16 that:

17 (1) was formerly used as part of a union railway station;

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1 (2) has been listed in or is within a district that has been listed in
 2 the federal National Register of Historic Places maintained
 3 pursuant to the National Historic Preservation Act of 1966, as
 4 amended; and

5 (3) has been redeveloped or renovated, with the redevelopment or
 6 renovation being funded in part with grants from the federal,
 7 state, or local government.

8 A permit issued under this subsection shall not be transferred to a
 9 location outside of the redevelopment project.

10 (d) Subject to section 16.1 of this chapter and except as provided in
 11 section 16.3 of this chapter, the commission may issue a three-way,
 12 two-way, or one-way permit to sell alcoholic beverages for on-premises
 13 consumption only to an applicant who is the proprietor, as owner or
 14 lessee, or both, of a restaurant:

15 (1) on land; or

16 (2) in a historic river vessel;

17 within a municipal riverfront development project funded in part with
 18 state and city money. The ownership of a permit issued under this
 19 subsection and the location for which the permit was issued may not be
 20 transferred. The legislative body of the municipality in which the
 21 municipal riverfront development project is located shall recommend
 22 to the commission sites that are eligible to be permit premises. The
 23 commission shall consider, but is not required to follow, the municipal
 24 legislative body's recommendation in issuing a permit under this
 25 subsection. A permit holder and any lessee or proprietor of the permit
 26 premises are subject to the formal written commitment required under
 27 IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if
 28 business operations cease at the permit premises for more than six (6)
 29 months, the permit shall revert to the commission. The permit holder
 30 is not entitled to any refund or other compensation.

31 (e) Except as provided in section 16.3 or 16.4 of this chapter, the
 32 commission may issue a three-way, two-way, or one-way permit to sell
 33 alcoholic beverages for on-premises consumption only to an applicant
 34 who is the proprietor, as owner or lessee, or both, of a restaurant within
 35 a renovation project consisting of:

36 (1) a building that:

37 (A) was formerly used as part of a passenger and freight
 38 railway station; and

39 (B) was built before 1900; or

40 (2) a complex of buildings that:

41 (A) is part of an economic development area established under
 42 IC 36-7-14; and



- 1 (B) includes, as part of the renovation project, the use and
- 2 repurposing of two (2) or more buildings and structures that
- 3 are:
- 4 (i) at least seventy-five (75) years old; and
- 5 (ii) located at a site at which manufacturing previously
- 6 occurred over a period of at least seventy-five (75) years.

7 The permit authorized by this subsection may be issued without regard
 8 to the proximity provisions of IC 7.1-3-21-11.

9 (f) Except as provided in section 16.3 of this chapter, the
 10 commission may issue a three-way permit for the sale of alcoholic
 11 beverages for on-premises consumption at a cultural center for the
 12 visual and performing arts to the following:

- 13 (1) A town that:
- 14 (A) is located in a county having a population of more than
- 15 four hundred thousand (400,000) but less than seven hundred
- 16 thousand (700,000); and
- 17 (B) has a population of more than twenty thousand (20,000)
- 18 but less than twenty-three thousand seven hundred (23,700).
- 19 (2) A city that has an indoor theater as described in section 26 of
- 20 this chapter.

21 (g) Except as provided in section 16.3 of this chapter, the
 22 commission may issue not more than ten (10) new three-way, two-way,
 23 or one-way permits to sell alcoholic beverages for on-premises
 24 consumption to applicants, each of whom must be the proprietor, as
 25 owner or lessee, or both, of a restaurant located within a district, or not
 26 more than seven hundred (700) feet from a district, that meets the
 27 following requirements:

- 28 (1) The district has been listed in the National Register of Historic
- 29 Places maintained under the National Historic Preservation Act
- 30 of 1966, as amended.
- 31 (2) A county courthouse is located within the district.
- 32 (3) A historic opera house listed on the National Register of
- 33 Historic Places is located within the district.
- 34 (4) A historic jail and sheriff's house listed on the National
- 35 Register of Historic Places is located within the district.

36 The legislative body of the municipality in which the district is located
 37 shall recommend to the commission sites that are eligible to be permit
 38 premises. The commission shall consider, but is not required to follow,
 39 the municipal legislative body's recommendation in issuing a permit
 40 under this subsection. An applicant is not eligible for a permit if, less
 41 than two (2) years before the date of the application, the applicant sold
 42 a retailer's permit that was subject to IC 7.1-3-22 and that was for



1 premises located within the district described in this section or within
 2 seven hundred (700) feet of the district. The ownership of a permit
 3 issued under this subsection and the location for which the permit was
 4 issued shall not be transferred. A permit holder and any lessee or
 5 proprietor of the permit premises is subject to the formal written
 6 commitment required under IC 7.1-3-19-17. Notwithstanding
 7 IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the
 8 permit premises for more than six (6) months, the permit shall revert
 9 to the commission. The permit holder is not entitled to any refund or
 10 other compensation. The total number of active permits issued under
 11 this subsection may not exceed ten (10) at any time. The cost of an
 12 initial permit issued under this subsection is six thousand dollars
 13 (\$6,000).

14 (h) Except as provided in section 16.3 of this chapter, the
 15 commission may issue a three-way permit for the sale of alcoholic
 16 beverages for on-premises consumption to an applicant who will locate
 17 as the proprietor, as owner or lessee, or both, of a restaurant within an
 18 economic development area under IC 36-7-14 in:

19 (1) a town with a population of more than twenty thousand
 20 (20,000); or

21 (2) a city with a population of more than forty-four thousand five
 22 hundred (44,500) but less than forty-five thousand (45,000);

23 located in a county having a population of more than one hundred ten
 24 thousand (110,000) but less than one hundred eleven thousand
 25 (111,000). The commission may issue not more than five (5) licenses
 26 under this section to premises within a municipality described in
 27 subdivision (1) and not more than five (5) licenses to premises within
 28 a municipality described in subdivision (2). The commission shall
 29 conduct an auction of the permits under IC 7.1-3-22-9, except that the
 30 auction may be conducted at any time as determined by the
 31 commission. Notwithstanding any other law, the minimum bid for an
 32 initial license under this subsection is thirty-five thousand dollars
 33 (\$35,000), and the renewal fee for a license under this subsection is one
 34 thousand three hundred fifty dollars (\$1,350). Before the district
 35 expires, a permit issued under this subsection may not be transferred.
 36 After the district expires, a permit issued under this subsection may be
 37 renewed, and the ownership of the permit may be transferred, but the
 38 permit may not be transferred from the permit premises.

39 (i) After June 30, 2006, and except as provided in section 16.3 of
 40 this chapter, the commission may issue not more than five (5) new
 41 three-way, two-way, or one-way permits to sell alcoholic beverages for
 42 on-premises consumption to applicants, each of whom must be the



1 proprietor, as owner or lessee, or both, of a restaurant located within a
 2 district, or not more than five hundred (500) feet from a district, that
 3 meets all of the following requirements:

4 (1) The district is within an economic development area, an area
 5 needing redevelopment, or a redevelopment district as established
 6 under IC 36-7-14.

7 (2) A unit of the National Park Service is partially located within
 8 the district.

9 (3) An international deep water seaport is located within the
 10 district.

11 An applicant is not eligible for a permit under this subsection if, less
 12 than two (2) years before the date of the application, the applicant sold
 13 a retailers' permit that was subject to IC 7.1-3-22 and that was for
 14 premises located within the district described in this subsection or
 15 within five hundred (500) feet of the district. A permit issued under this
 16 subsection may not be transferred. If the commission issues five (5)
 17 new permits under this subsection, and a permit issued under this
 18 subsection is later revoked or is not renewed, the commission may
 19 issue another new permit, as long as the total number of active permits
 20 issued under this subsection does not exceed five (5) at any time. The
 21 commission shall conduct an auction of the permits under
 22 IC 7.1-3-22-9, except that the auction may be conducted at any time as
 23 determined by the commission.

24 (j) Subject to section 16.2 of this chapter and except as provided in
 25 section 16.3 of this chapter, the commission may issue not more than
 26 six (6) new three-way, two-way, or one-way permits to sell alcoholic
 27 beverages for on-premises consumption only to an applicant who is the
 28 proprietor, as owner or lessee, or both, of a restaurant on land within a
 29 municipal lakefront development project funded in part with state,
 30 local, and federal money. A permit issued under this subsection may
 31 not be transferred. If the commission issues six (6) new permits under
 32 this subsection, and a permit issued under this subsection is later
 33 revoked or is not renewed, the commission may issue another new
 34 permit, as long as the total number of active permits issued under this
 35 subsection does not exceed six (6) at any time. The commission shall
 36 conduct an auction of the permits under IC 7.1-3-22-9, except that the
 37 auction may be conducted at any time as determined by the
 38 commission. Notwithstanding any other law, the minimum bid for an
 39 initial permit under this subsection is ten thousand dollars (\$10,000).

40 (k) Except as provided in section 16.3 of this chapter, the
 41 commission may issue not more than nine (9) new three-way permits
 42 to sell alcoholic beverages for on-premises consumption to applicants,



1 each of whom must be a proprietor, as owner or lessee, or both, of a
2 restaurant located:

3 (1) within a motorsports investment district (as defined in
4 IC 5-1-17.5-11); or

5 (2) not more than one thousand five hundred (1,500) feet from a
6 motorsports investment district.

7 The ownership of a permit issued under this subsection and the location
8 for which the permit was issued shall not be transferred. If the
9 commission issues nine (9) new permits under this subsection, and a
10 permit issued under this subsection is later revoked or is not renewed,
11 the commission may issue another new permit, as long as the total
12 number of active permits issued under this subsection does not exceed
13 nine (9) at any time. A permit holder and any lessee or proprietor of the
14 permit premises are subject to the formal written commitment required
15 under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1,
16 if business operations cease at the permit premises for more than six
17 (6) months, the permit shall revert to the commission. The permit
18 holder is not entitled to any refund or other compensation.

19 (1) Except as provided in section 16.3 of this chapter, the
20 commission may issue not more than two (2) new three-way permits to
21 sell alcoholic beverages for on-premises consumption for premises
22 located within a qualified motorsports facility (as defined in
23 IC 5-1-17.5-14). The ownership of a permit issued under this
24 subsection and the location for which the permit was issued shall not
25 be transferred. If the commission issues two (2) new permits under this
26 subsection, and a permit issued under this subsection is later revoked
27 or is not renewed, the commission may issue another new permit, as
28 long as the total number of active permits issued under this subsection
29 does not exceed two (2) at any time. A permit holder and any lessee or
30 proprietor of the permit premises are subject to the formal written
31 commitment required under IC 7.1-3-19-17. Notwithstanding
32 IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the
33 permit premises for more than six (6) months, the permit shall revert
34 to the commission. The permit holder is not entitled to any refund or
35 other compensation.

36 SECTION 2. IC 7.1-3-20-16.4 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2021]: **Sec. 16.4. (a) If a holder of a permit**
39 **issued under section 16(e)(2) of this chapter has an interest in a**
40 **production facility permit for:**

41 (1) a brewery described in IC 7.1-3-2-7(5);

42 (2) a farm winery described in IC 7.1-3-12-3;



- 1 **(3) an artisan distillery described in IC 7.1-3-27-2; or**
 2 **(4) a combination of the entities described in subdivisions (1)**
 3 **through (3);**

4 **that is located on or adjacent to the premises for which the permit**
 5 **was issued under section 16(e)(2) of this chapter, notwithstanding**
 6 **905 IAC 1-29-2 and 905 IAC 1-41-2(c), the holder of the permit**
 7 **may sell carryout beer, wine, or spirits manufactured at the entity**
 8 **described in subdivisions (1) through (3) in the general**
 9 **merchandising area on the restaurant premises and in a**
 10 **self-serving display. Minors may be allowed in the general**
 11 **merchandising area of the restaurant.**

12 **(b) If a holder of a permit issued under section 16(e)(2) of this**
 13 **chapter has an interest in a production facility permit for:**

- 14 **(1) a brewery described in IC 7.1-3-2-7(5);**
 15 **(2) a farm winery described in IC 7.1-3-12-3;**
 16 **(3) an artisan distillery described in IC 7.1-3-27-2; or**
 17 **(4) a combination of the entities described in subdivisions (1)**
 18 **through (3);**

19 **that is located on or adjacent to the premises for which the permit**
 20 **was issued under section 16(e)(2) of this chapter, the holder of the**
 21 **permit may allow a minor to participate in a nondrinking tour of**
 22 **the production facilities on the premises if:**

- 23 **(1) the minor is accompanied by an adult as provided in**
 24 **IC 7.1-5-7-11(27), IC 7.1-5-7-11(28), and IC 7.1-5-7-11(29);**
 25 **and**
 26 **(2) the tour does not include allowing tour participants to**
 27 **consume, taste, or sample alcoholic beverages.**

28 **SECTION 3. IC 7.1-5-7-11, AS AMENDED BY P.L.285-2019,**
 29 **SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 30 **JULY 1, 2021]: 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 restaurant which is separate from a room in
 9 which is located a bar over which alcoholic beverages are sold or
 10 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 senior residence facility campus (as defined in
 22 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or
 23 furnished as provided under IC 7.1-3-1-29.
 24 (24) A hotel other than a part of a hotel that is a room in a
 25 restaurant in which a bar is located over which alcoholic
 26 beverages are sold or dispensed by the drink.
 27 (25) The location of an allowable event to which IC 7.1-3-6.1
 28 applies.
 29 (26) The location of a charity auction to which IC 7.1-3-6.2
 30 applies.
 31 **(27) A tour of a brewery as provided in IC 7.1-3-20-16.4, if the**
 32 **minor is in the company of a parent, legal guardian or**
 33 **custodian, or family member who is at least twenty-one (21)**
 34 **years of age.**
 35 ~~(27)~~ **(28)** A farm winery and any additional locations of the farm
 36 winery under IC 7.1-3-12, if the minor is in the company of a
 37 parent, legal guardian or custodian, or family member who is at
 38 least twenty-one (21) years of age and the minor is accompanied
 39 by the adult in any area that the adult may be present whether or
 40 not the area:
 41 (A) is separated in any manner from where the wine is
 42 manufactured, sold, or consumed within the farm winery



- 1 premises; or
 2 (B) operates under a retailer's permit.
 3 ~~(28)~~ **(29)** An artisan distillery under IC 7.1-3-27, if:
 4 (A) the person who holds the artisan distiller's permit also
 5 holds a farm winery permit under IC 7.1-3-12, **or**
 6 **IC 7.1-3-20-16.4(a) applies to the person;** and
 7 (B) the minor is in the company of a parent, legal guardian or
 8 custodian, or family member who is at least twenty-one (21)
 9 years of age.
 10 ~~(29)~~ **(30)** An art instruction studio under IC 7.1-5-8-4.6.
 11 ~~(30)~~ **(31)** The licensed premises of a food hall under
 12 IC 7.1-3-20-29 and the food and beverage vending space of a food
 13 hall vendor permittee under IC 7.1-3-20-30. However, sections 9
 14 and 10 of this chapter apply to a bar within the food and beverage
 15 vending space of a food hall vendor permittee under
 16 IC 7.1-3-20-30 that serves alcoholic beverages intended to be
 17 consumed while sitting or standing at the bar.
 18 (b) For the purpose of this subsection, "food" means meals prepared
 19 on the licensed premises. It is lawful for a minor to be on licensed
 20 premises in a room in which is located a bar over which alcoholic
 21 beverages are sold or dispensed by the drink if all the following
 22 conditions are met:
 23 (1) The minor is eighteen (18) years of age or older.
 24 (2) The minor is in the company of a parent, guardian, or family
 25 member who is twenty-one (21) years of age or older.
 26 (3) The purpose for being on the licensed premises is the
 27 consumption of food and not the consumption of alcoholic
 28 beverages.



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 310, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 310 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0

