

## SENATE BILL No. 609

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-1-3; IC 7.1-3; IC 7.1-4-4.1; IC 7.1-5; IC 35-52-7.

**Synopsis:** Alcohol matters. Provides that a farm winery permit holder or an artisan distiller's permit holder may: (1) be the proprietor of a restaurant; (2) transfer wine or liquor from the winery or distillery to the restaurant; (3) have a window between the winery or distillery and the restaurant; and (4) have a doorway or other opening between the winery or distillery and the restaurant. Provides that a farm winery and a holder of a vintner's permit may sell their wine to consumers by the box or by the bulk container. Provides that a holder of a farm winery permit may: (1) serve complimentary samples of the winery's wine at a farmers' market that is operated on a nonprofit basis; (2) enter into a partnership with a retail florist business and conduct business as an additional location to sell the farm winery's wine; and (3) hold a micro wine wholesaler's permit without complying with the requirements for holding a beer wholesaler's permit or liquor wholesaler's permit. Provides that an artisan distiller may: (1) sell liquor; and (2) provide samples of liquor; manufactured by the artisan distiller at certain farmers' markets. Moves provisions regarding micro wine wholesaler's permits to the chapter of the Indiana Code concerning wine wholesaler's permits. Repeals language prohibiting a beer dealer from delivering beer to a customer on the street or at the curb outside the licensed premises. Clarifies that a wine, liquor, or beer dealer that is a grocery store may deliver alcohol to the purchaser's vehicle if the wine, liquor, or beer dealer complies with the laws concerning identification of alcohol purchases. Creates a supplemental outdoor bar permit (permit) for a person that holds a one-way permit, two-way permit, or three-way permit. Allows a holder of a permit to sell or dispense  
(Continued next page)

**Effective:** July 1, 2019.

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## Grooms, Garten

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January 15, 2019, read first time and referred to Committee on Public Policy.

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## Digest Continued

alcohol for on-premises consumption from a bar that is located at certain outdoor locations. Requires a structure or barrier to separate an outdoor bar area. Provides restrictions for rooftop bars. Creates a direct artisan distillery seller's permit. Removes distillers and rectifiers from the entities that cannot have an interest in a beer permit. Repeals language that prohibited the holder of an artisan distiller's permit, a distiller's permit, or a rectifier's permit from owning or possessing a permit to sell liquor at wholesale. Repeals the crime prohibiting artisan distillers, distillers and rectifiers from owning holder shares of stock of a corporation that holds an Indiana permit to sell alcoholic beverages at retail. Provides that it is lawful for a holder of a retailer's permit to own or possess an interest in a distiller's permit or a farm winery permit.



Introduced

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 609

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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 7.1-1-3-5.7 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 5.7. (a) "Bar", for purposes of IC 7.1-3-20.5, means**  
4 **a counter over which alcoholic beverages are sold or dispensed by**  
5 **the drink to consumers.**

6 **(b) "Bar" does not mean a service bar, as defined in section 42**  
7 **of this chapter.**

8 SECTION 2. IC 7.1-1-3-40.5 IS ADDED TO THE INDIANA  
9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2019]: **Sec. 40.5. The term "retail florist**  
11 **business" mean an establishment that is primarily engaged in the**  
12 **arrangement and retail sale of fresh cut flowers, floral**  
13 **arrangements, and potted plants.**

14 SECTION 3. IC 7.1-3-5-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 3. (a) The holder of a**



1 beer dealer's permit shall be entitled to purchase beer for sale under the  
2 permit only from a permittee entitled to sell to a beer dealer under this  
3 title.

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

6 (c) A beer dealer may not sell beer by the drink nor for consumption  
7 on the licensed premises nor shall a beer dealer allow it to be consumed  
8 on the licensed premises.

9 (d) Except as provided in subsection (e), a beer dealer shall be  
10 entitled to sell beer to a customer and deliver it in permissible  
11 containers to the customer on the licensed premises, or to the  
12 customer's residence or office. A beer dealer shall not be entitled to ~~sell~~  
13 ~~and deliver beer on the street or at the curb outside the licensed~~  
14 ~~premises; nor shall a beer dealer be entitled to sell beer at a place other~~  
15 than the licensed premises. A beer dealer shall not be entitled to sell  
16 beer and deliver beer for carry-out, or for delivery to a customer's  
17 residence or office, in a quantity that exceeds eight hundred sixty-four  
18 (864) ounces in a single transaction. However, notwithstanding  
19 IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4  
20 shall be entitled to sell and deliver warm or cold beer for carry-out, or  
21 for delivery to a customer's residence, office, or a designated location  
22 in barrels or other commercial containers that do not exceed two  
23 thousand sixteen (2,016) ounces per container. This delivery may only  
24 be performed by the permit holder or an employee who holds an  
25 employee permit. The permit holder shall maintain a written record of  
26 each delivery for at least one (1) year that shows the customer's name,  
27 location of delivery, and quantity sold.

28 (e) Unless a beer dealer is a grocery store or drug store, a beer  
29 dealer may not sell or deliver alcoholic beverages or any other item  
30 through a window in the licensed premises to a patron who is outside  
31 the licensed premises. A beer dealer that is a grocery store or drug store  
32 may sell any item except alcoholic beverages through a window in the  
33 licensed premises to a patron who is outside the licensed premises.

34 **(f) A beer dealer that is a grocery or drug store may deliver beer**  
35 **to the vehicle of a customer whose vehicle is parked in the parking**  
36 **lot or on a street adjacent to the beer dealer. An employee of the**  
37 **beer dealer shall comply with IC 7.1-5-10-15, IC 7.1-5-10-23, and**  
38 **any other provision of this title that applies to the furnishing of**  
39 **alcoholic beverages for consumption off the premises.**

40 SECTION 4. IC 7.1-3-10-7 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The holder of a  
42 liquor dealer's permit shall be entitled to purchase liquor only from a



1 permittee entitled to sell to a liquor dealer under this title.

2 (b) A liquor dealer shall be entitled to possess liquor and sell it at  
3 retail in its original package to a customer only for consumption off the  
4 licensed premises.

5 (c) A liquor dealer may deliver liquor only in permissible containers  
6 to a customer's residence or office in a quantity that does not exceed  
7 twelve (12) quarts at any one (1) time. However, a liquor dealer who  
8 is licensed under IC 7.1-3-10-4 may deliver liquor in permissible  
9 containers to a customer's residence, office, or designated location.  
10 This delivery may only be performed by the permit holder or an  
11 employee who holds an employee permit. The permit holder shall  
12 maintain a written record of each delivery for at least one (1) year that  
13 shows the customer's name, location of delivery, and quantity sold.

14 (d) A liquor dealer may not sell or deliver alcoholic beverages or  
15 any other item through a window in the licensed premises to a patron  
16 who is outside the licensed premises. However, a liquor dealer that is  
17 a drug store may sell prescription drugs and health and beauty aids  
18 through a window in the licensed premises to a patron who is outside  
19 the licensed premises.

20 **(e) A liquor dealer that is a grocery or drug store may deliver**  
21 **alcoholic beverages to the vehicle of a customer whose vehicle is**  
22 **parked in the parking lot or on a street adjacent to the liquor**  
23 **dealer. An employee of the liquor dealer shall comply with**  
24 **IC 7.1-5-10-15, IC 7.1-5-10-23, and any other provision of this title**  
25 **that applies to the furnishing of alcoholic beverages for**  
26 **consumption off the premises.**

27 SECTION 5. IC 7.1-3-12-2 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~Scope of Permit.~~ The  
29 holder of a vintner's permit is entitled to manufacture wine and to bottle  
30 it or place it in other containers, **including boxes that contain a bag**  
31 **designed to store and dispense wine, and bulk containers. He A**  
32 **vintner** also is entitled to transport wine and either to sell it, or deliver  
33 it, or both, in shipments to points outside this state, and to a wine  
34 wholesaler, and to another vintner. A vintner is not entitled to rectify  
35 or fortify wine unless ~~he~~ **the vintner** is also the holder of either a  
36 distiller's permit, or a rectifier's permit, or both. A vintner is not entitled  
37 to sell to a consumer or to a permittee who sells wine at retail. A  
38 vintner is entitled to advertise the name and address of any retailer or  
39 dealer who sells wine produced by ~~his~~ **the vintner's** winery.

40 SECTION 6. IC 7.1-3-12-5, AS AMENDED BY P.L.270-2017,  
41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2019]: Sec. 5. (a) The holder of a farm winery permit:



- 1 (1) is entitled to manufacture wine and to bottle wine produced by  
 2 the permit holder's farm winery;  
 3 (2) is entitled to serve complimentary samples of the winery's  
 4 wine on the licensed premises or an outside area that is  
 5 contiguous to the licensed premises, as approved by the  
 6 commission if each employee who serves wine on the licensed  
 7 premises:  
 8 (A) holds an employee's permit under IC 7.1-3-18-9; and  
 9 (B) completes a server training program approved by the  
 10 commission;  
 11 (3) is entitled to sell the winery's wine on the licensed premises to  
 12 consumers either by the:  
 13 (A) glass; ~~or by the~~  
 14 (B) bottle; ~~or both;~~  
 15 (C) **box that contains a bag designed for storing and**  
 16 **dispensing wine; or**  
 17 (D) **any combination of receptacles listed in clauses (A)**  
 18 **through (C);**  
 19 (4) is entitled to sell the winery's wine to consumers by the bottle  
 20 at a farmers' market that is operated on a nonprofit basis;  
 21 **(5) is entitled to serve complimentary samples of the winery's**  
 22 **wine at a farmers' market that is operated on a nonprofit**  
 23 **basis;**  
 24 ~~(5)~~ (6) is entitled to sell wine by the:  
 25 (A) bottle; ~~or by the~~  
 26 (B) **box that contains a bag designed for storing and**  
 27 **dispensing wine;**  
 28 (C) **bulk container;**  
 29 (D) case; or  
 30 (E) **any combination of receptacles listed in clauses (A)**  
 31 **through (D);**  
 32 to a person who is the holder of a permit to sell wine at wholesale;  
 33 ~~(6)~~ (7) is exempt from the provisions of IC 7.1-3-14;  
 34 ~~(7)~~ (8) is entitled to advertise the name and address of any retailer  
 35 or dealer who sells wine produced by the permit holder's winery;  
 36 ~~(8)~~ (9) for wine described in IC 7.1-1-2-3(a)(4):  
 37 (A) may allow transportation to and consumption of the wine  
 38 on the licensed premises; and  
 39 (B) may not sell, offer to sell, or allow the sale of the wine on  
 40 the licensed premises;  
 41 ~~(9)~~ (10) is entitled to purchase and sell bulk wine as set forth in  
 42 this chapter;



1           ~~(10)~~ **(11)** is entitled to sell wine as authorized by this section for  
2           carryout on Sunday; ~~and~~

3           ~~(11)~~ **(12)** is entitled to sell and ship the farm winery's wine to a  
4           person located in another state in accordance with the laws of the  
5           other state;

6           **(13) is entitled to enter into a partnership with a retail florist  
7           business and conduct business as an additional location as  
8           described in subsection (b); and**

9           **(14) is entitled to be the proprietor of a restaurant and  
10          conduct activities listed in IC 7.1-3-29-2.**

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

16          (c) With the approval of the commission, a holder of a permit under  
17          this chapter may:

18               (1) individually; or

19               (2) with other permit holders under this chapter, holders of artisan  
20               distiller's permits, holders of brewer's permits issued under  
21               IC 7.1-3-2-2(b), or any combination of holders described in this  
22               subdivision;

23          participate in a trade show or an exposition at which products of each  
24          permit holder participant are displayed, promoted, and sold. All of the  
25          permit holders may occupy the same tent, structure, or building. The  
26          commission may not grant approval under this subsection to a holder  
27          of a permit under this chapter for more than forty-five (45) days in a  
28          calendar year.

29          SECTION 7. IC 7.1-3-13-1 IS AMENDED TO READ AS  
30          FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) **Except as  
31          provided in section 1.5 of this chapter**, the commission may issue a  
32          wine wholesaler's permit to sell wine, or wine and brandy, at wholesale  
33          to a person who:

34               (1) notwithstanding IC 7.1-5-9-4, holds a beer wholesaler's  
35               permit;

36               (2) holds a liquor wholesaler's permit; or

37               (3) does not hold an alcoholic beverage wholesaler's permit but  
38               meets the qualifications to hold either a beer or a liquor  
39               wholesaler's permit.

40          (b) The holder of a wine wholesaler's permit under subsection (a)(1)  
41          or (a)(2):

42               (1) is considered the same as a person who holds a wine



1 wholesaler's permit under subsection (a)(3) for purposes of  
 2 conducting activities and operations under the wine wholesaler's  
 3 permit; and

4 (2) may operate the beer or liquor wholesale business  
 5 independently of the wine wholesale business.

6 SECTION 8. IC 7.1-3-13-1.5 IS ADDED TO THE INDIANA  
 7 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 8 [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. (a) The commission may issue**  
 9 **a type of wine wholesaler's permit, a micro wine wholesaler's**  
 10 **permit, to an applicant that:**

11 (1) sells less than twelve thousand (12,000) gallons of wine or  
 12 wine and brandy at wholesale in a year; and

13 (2) meets the requirements for holding a wine wholesaler's  
 14 permit.

15 (b) If an applicant previously held a wine wholesaler's permit,  
 16 the applicant shall certify to the commission that the permit  
 17 applicant sold less than twelve thousand (12,000) gallons of wine  
 18 and brandy at wholesale in the previous year.

19 (c) The holder of a farm winery permit:

20 (1) may hold a micro wine wholesaler's permit; and

21 (2) is not subject to section 1 of this chapter.

22 (d) The holder of a micro wine wholesaler's permit may enter  
 23 into an agreement to:

24 (1) locate the wine wholesaler's business within the licensed  
 25 premises of a farm winery or a farm winery brandy distiller;  
 26 or

27 (2) use goods and services provided by a farm winery or a  
 28 farm winery brandy distiller;

29 or both.

30 SECTION 9. IC 7.1-3-13-2.5, AS AMENDED BY P.L.70-2014,  
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2019]: **Sec. 2.5. Except as provided in section 1.5(d) of this**  
 33 **chapter**, all premises to be used by an applicant for a wine wholesaler's  
 34 permit must be described in the application for the permit and in the  
 35 permit, if the permit is issued. A wine wholesaler may not keep or store  
 36 wine at any place other than the premises described in the wine  
 37 wholesaler's application and permit. A person who holds a wine  
 38 wholesaler's permit and who also holds a beer wholesaler's permit is  
 39 not disqualified from using multiple premises for the storage of wine  
 40 because the person holds a beer wholesaler's permit. ~~The holder of a~~  
 41 ~~wine wholesaler's permit described in IC 7.1-4-4.1-13(c) may enter into~~  
 42 ~~an agreement to:~~





1 (1) locate the wine wholesaler's business within the licensed  
 2 premises of a farm winery or a farm winery brandy distiller; or  
 3 (2) use goods and services provided by a farm winery or a farm  
 4 winery brandy distiller;

5 or both:

6 SECTION 10. IC 7.1-3-15-3 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The holder of a  
 8 wine dealer's permit shall be entitled to purchase wine only from a  
 9 permittee who is authorized to sell to a wine dealer under this title. A  
 10 wine dealer shall be entitled to sell wine for consumption off the  
 11 licensed premises only and not by the drink.

12 (b) A wine dealer shall be entitled to sell wine in permissible  
 13 containers in a quantity of not more than three (3) standard cases, as  
 14 determined under the rules of the commission, in a single transaction.  
 15 However, a wine dealer who is licensed under IC 7.1-3-10-4 may  
 16 possess wine and sell it at retail in its original package to a customer  
 17 only for consumption off the licensed premises.

18 (c) Unless a wine dealer is a grocery store or drug store, a wine  
 19 dealer may not sell or deliver alcoholic beverages or any other item  
 20 through a window in the licensed premises to a patron who is outside  
 21 the licensed premises. A wine dealer that is a grocery store or drug  
 22 store may sell any item except alcoholic beverages through a window  
 23 in the licensed premises to a person who is outside the licensed  
 24 premises.

25 (d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may  
 26 deliver wine only in permissible containers to a customer's residence,  
 27 office, or designated location. This delivery may only be performed by  
 28 the permit holder or an employee who holds an employee permit. The  
 29 permit holder shall maintain a written record of each delivery for at  
 30 least one (1) year that shows the customer's name, location of delivery,  
 31 and quantity sold.

32 (e) **A wine dealer that is a grocery or drug store may deliver**  
 33 **wine to a customer whose vehicle is parked in the parking lot or on**  
 34 **a street adjacent to the wine dealer. An employee of the wine**  
 35 **dealer shall comply with IC 7.1-5-10-15, IC 7.1-5-10-23, and any**  
 36 **other provision of this title that applies to the furnishing of**  
 37 **alcoholic beverages for consumption off the premises.**

38 SECTION 11. IC 7.1-3-20.5 IS ADDED TO THE INDIANA CODE  
 39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2019]:

41 **Chapter 20.5. Supplemental Outdoor Bar Permits**

42 **Sec. 1. The commission may issue a supplemental outdoor bar**



1 permit only to a person that:

2 (1) holds a:

3 (A) one-way permit;

4 (B) two-way permit; or

5 (C) three-way permit; and

6 (2) desires to operate an outdoor bar in addition to the  
7 operations allowed under the person's underlying permit.

8 **Sec. 2. (a) The holder of a supplemental outdoor bar permit may**  
9 **sell or dispense alcoholic beverages for on-premises consumption**  
10 **only from a bar that is located on an outside:**

11 (1) patio;

12 (2) porch;

13 (3) veranda;

14 (4) terrace; or

15 (5) rooftop;

16 **that is contiguous to the main building where the licensed premises**  
17 **are located.**

18 (b) **The outside areas described in subsection (a) must:**

19 (1) be part of the licensed premises; and

20 (2) have a fence, hedge, rail, wall, or similar barrier that  
21 encloses the outdoor bar area.

22 (c) **If minors are permitted on the premises where an outdoor**  
23 **bar is located, the following apply:**

24 (1) **The outdoor bar area must be separated from an outside**  
25 **dining area, where a minor may be served, by a structure or**  
26 **barrier that reasonably deters free access and egress without**  
27 **a door or gate.**

28 (2) **A conspicuous sign must be posted on the structure or**  
29 **barrier described in subdivision (1) that states that a minor is**  
30 **not allowed to cross the structure or barrier to enter the**  
31 **outdoor bar area.**

32 (3) **An applicant or permittee must have:**

33 (A) **minimum gross food sales or minimum projected gross**  
34 **food sales of two hundred thousand dollars (\$200,000) per**  
35 **permit year; or**

36 (B) **sixty percent (60%) of the gross food and alcoholic**  
37 **beverages sales or projected sales, not including carryout**  
38 **or catered food sales, from the sale of food.**

39 (d) **The seating capacity of an outdoor rooftop bar may not be**  
40 **more than twenty five percent (25%) of the total rooftop seating.**

41 (e) **The service bar of a rooftop bar:**

42 (1) **may not be within ten (10) feet of the edge of the roof; and**



- 1           **(2) must have seating between the service bar and the edge of**  
 2           **the roof.**
- 3           **(f) No alcohol related signage in an outdoor rooftop bar may be**  
 4           **visible from the street outside the building where the restaurant is**  
 5           **located.**
- 6           **Sec. 3. Any notice required under this article informing the**  
 7           **public of any type of prerequisite investigation by a local board**  
 8           **prior to the granting of an application under IC 7.1-3-19-3 shall**  
 9           **include the intent of an applicant to operate an outdoor bar under**  
 10           **this chapter. The public shall have the opportunity to remonstrate**  
 11           **or speak in favor of the issuance of a supplemental outdoor bar**  
 12           **permit and the application in its entirety.**
- 13           **Sec. 4. (a) A denial of an application for a supplemental outdoor**  
 14           **bar permit does not prohibit an applicant or permittee from**  
 15           **operating a one-way, two-way, or three-way permit under this**  
 16           **chapter. The commission may approve a retail permit while**  
 17           **denying the applicant's or permittee's supplemental outdoor bar**  
 18           **permit.**
- 19           **(b) A permit may be approved under this chapter upon a**  
 20           **commitment by local residents and recommendations to the**  
 21           **commission by the local board.**
- 22           **Sec. 5. A permittee operating an outdoor bar as of June 30,**  
 23           **2019, may continue to operate under the conditions as of June 30,**  
 24           **2019, provided that the permittee apply for a supplemental**  
 25           **outdoor bar permit as part of the permittee's renewal application**  
 26           **without requiring a local board hearing. Any changes to a floor**  
 27           **plan that either adds or alters an outdoor bar area will require**  
 28           **public notice and a hearing before the local board as set forth in**  
 29           **section 3 of this chapter.**
- 30           **SECTION 12. IC 7.1-3-27-8, AS AMENDED BY P.L.270-2017,**  
 31           **SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 32           **JULY 1, 2019]: Sec. 8. (a) The holder of an artisan distiller's permit**  
 33           **may do only the following:**
- 34                   **(1) Manufacture liquor, including blending liquor purchased from**  
 35                   **another manufacturer with liquor the artisan distiller**  
 36                   **manufactures under section 11 of this chapter.**
- 37                   **(2) Bottle liquor manufactured by the artisan distiller.**
- 38                   **(3) Store liquor manufactured by the artisan distiller, including at**  
 39                   **a facility within ten (10) miles of the artisan distiller's distillery.**
- 40                   **(4) Transport, sell, and deliver liquor manufactured by the artisan**  
 41                   **distiller to:**
- 42                           **(A) places outside Indiana; or**



- 1 (B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.  
 2 (5) Sell liquor manufactured by the artisan distiller to consumers  
 3 by the drink, bottle, or case from the premises of the distillery  
 4 where the liquor was manufactured.  
 5 (6) Serve complimentary samples of the liquor manufactured by  
 6 the artisan distiller to consumers on the premises of the distillery  
 7 where the liquor was manufactured.  
 8 (7) Sell liquor as authorized by this section for carryout on  
 9 Sunday in a quantity at any one (1) time of not more than four and  
 10 five-tenths (4.5) liters.  
 11 (8) With the approval of the commission, participate:  
 12 (A) individually; or  
 13 (B) with other permit holders under this chapter, holders of  
 14 farm winery permits, holders of brewer's permits issued under  
 15 IC 7.1-3-2-2(b), or any combination of holders described in  
 16 this clause;  
 17 in a trade show or an exposition at which products of each permit  
 18 holder participant are displayed, promoted, and sold. All of the  
 19 permit holders may occupy the same tent, structure, or building.  
 20 The commission may not grant to a holder of a permit under this  
 21 chapter approval under this subdivision to participate in a trade  
 22 show or exposition for more than forty-five (45) days in a  
 23 calendar year.  
 24 **(9) Sell liquor manufactured by the artisan distiller to**  
 25 **consumers by the bottle at a farmers' market that is:**  
 26 **(A) operated on a nonprofit basis; and**  
 27 **(B) located in:**  
 28 **(i) the same county as; or**  
 29 **(ii) an adjacent county to the county in which;**  
 30 **the artisan distiller is located.**  
 31 **(10) Serve complimentary samples of liquor manufactured by**  
 32 **the artisan distiller at a farmers' market that is:**  
 33 **(A) operated on a nonprofit basis; and**  
 34 **(B) located in:**  
 35 **(i) the same county as; or**  
 36 **(ii) an adjacent county to the county in which;**  
 37 **the artisan distiller is located.**  
 38 **(11) Be the proprietor of a restaurant and conduct activities**  
 39 **listed in IC 7.1-3-29-2.**  
 40 (b) The holder of an artisan distiller's permit who provides samples  
 41 or sells liquor by the glass must furnish the minimum food  
 42 requirements prescribed by the commission.



1 (c) A storage facility used by an artisan distiller under subsection  
2 (a)(3):

- 3 (1) must conform with federal laws, rules, and regulations; and  
4 (2) must not be used for any purposes except for the storage of  
5 liquor.

6 (d) An artisan distiller who knowingly or intentionally violates this  
7 section commits a Class B misdemeanor.

8 SECTION 13. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE  
9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2019]:

11 **Chapter 28. Direct Artisan Distillery Seller's Permit**

12 **Sec. 1. As used in this chapter, "applicant" means a person that**  
13 **applies to the commission for a direct artisan distillery seller's**  
14 **permit.**

15 **Sec. 2. As used in this chapter, "consumer" means an individual**  
16 **with an Indiana address who purchases liquor from a seller.**

17 **Sec. 3. As used in this chapter, "seller" means the holder of a**  
18 **direct artisan distillery seller's permit issued under this chapter.**

19 **Sec. 4. (a) A person located within Indiana or outside Indiana**  
20 **that wants to sell and ship liquor from an artisan distillery directly**  
21 **to a consumer must be the holder of a direct artisan distillery**  
22 **seller's permit and comply with this chapter. A person that sells**  
23 **and ships liquor directly to a consumer without holding a valid**  
24 **direct artisan distillery seller's permit commits a Class A**  
25 **infraction.**

26 **(b) The offense described in subsection (a) is:**

27 **(1) a Class A misdemeanor if the seller:**

- 28 **(A) knowingly or intentionally violates this section; and**  
29 **(B) has one (1) prior unrelated conviction or judgment for**  
30 **an infraction under this chapter for an act or omission that**  
31 **occurred not more than ten (10) years before the act or**  
32 **omission that is the basis for the most recent conviction or**  
33 **judgment for an infraction; and**

34 **(2) a Level 6 felony if the seller:**

- 35 **(A) knowingly or intentionally violates this section; and**  
36 **(B) has at least two (2) prior unrelated convictions or**  
37 **judgments for infractions under this chapter for acts or**  
38 **omissions that occurred not more than ten (10) years**  
39 **before the act or omission that is the basis for the most**  
40 **recent conviction or judgment for an infraction.**

41 **Sec. 5. (a) A seller may sell and ship liquor directly only to a**  
42 **consumer who meets all of the following requirements:**



- 1           **(1) The consumer is at least twenty-one (21) years of age.**  
 2           **(2) The consumer has an Indiana address.**  
 3           **(3) The consumer intends to use the liquor purchased under**  
 4           **this chapter for personal use only and not for resale or other**  
 5           **commercial purposes.**  
 6           **(b) A seller who violates this section commits a Class A**  
 7           **infraction. However, the offense is:**  
 8           **(1) a Class A misdemeanor if the seller:**  
 9               **(A) knowingly or intentionally violates this section; and**  
 10              **(B) has one (1) prior unrelated conviction or judgment for**  
 11              **an infraction under this chapter for an act or omission that**  
 12              **occurred not more than ten (10) years before the act or**  
 13              **omission that is the basis for the most recent conviction or**  
 14              **judgment for an infraction; and**  
 15           **(2) a Level 6 felony if the seller:**  
 16              **(A) knowingly or intentionally violates this section; and**  
 17              **(B) has at least two (2) prior unrelated convictions or**  
 18              **judgments for infractions under this chapter for acts or**  
 19              **omissions that occurred not more than ten (10) years**  
 20              **before the act or omission that is the basis for the most**  
 21              **recent conviction or judgment for an infraction.**  
 22           **Sec. 6. (a) The commission may issue a direct artisan distillery**  
 23           **seller's permit to an applicant who meets all of the following**  
 24           **requirements:**  
 25              **(1) The applicant is domiciled and has its principal place of**  
 26              **business in the United States.**  
 27              **(2) The applicant is engaged in the manufacture of liquor.**  
 28              **(3) The applicant holds and acts within the scope of authority**  
 29              **of an alcoholic beverage license or permit to manufacture**  
 30              **liquor that is required:**  
 31                  **(A) in Indiana or the state where the applicant is**  
 32                  **domiciled; and**  
 33                  **(B) by the Tax and Trade Bureau of the United States**  
 34                  **Department of the Treasury.**  
 35              **(4) The applicant qualifies with the secretary of state to do**  
 36              **business in Indiana and consents to the personal jurisdiction**  
 37              **of the commission and the courts of Indiana.**  
 38              **(5) The applicant:**  
 39                  **(A) has not distributed alcohol through a liquor wholesaler**  
 40                  **in Indiana within the one hundred twenty (120) days**  
 41                  **immediately preceding the applicant's application for a**  
 42                  **direct artisan distillery seller's permit and does not**



- 1 distribute liquor through a liquor wholesaler in Indiana  
 2 during the term of the direct artisan distillery seller's  
 3 permit; or  
 4 (B) has operated as a artisan distillery under IC 7.1-3-27.  
 5 (6) The applicant completes documentation regarding the  
 6 applicant's application required by the commission.  
 7 (b) The commission may issue a direct artisan distillery seller's  
 8 permit to an applicant who:  
 9 (1) meets the requirements under subsection (a); and  
 10 (2) holds a permit issued under this title that allows the sale of  
 11 an alcoholic beverage at retail.  
 12 Sec. 7. (a) The term of a direct artisan distillery seller's permit  
 13 begins:  
 14 (1) on the date approved by the commission for an initial  
 15 application; and  
 16 (2) on July 1 to renew a permit;  
 17 and expires on June 30 of the following year. A direct artisan  
 18 distillery seller's permit may be renewed in accordance with rules  
 19 adopted by the commission.  
 20 (b) The annual direct artisan distillery seller's permit fee is one  
 21 hundred dollars (\$100).  
 22 Sec. 8. A direct artisan distillery seller's permit entitles a seller  
 23 to sell and ship liquor to a consumer by receiving and filling orders  
 24 that the consumer transmits by electronic or other means if all of  
 25 the following conditions are satisfied before the sale or by the times  
 26 set forth as follows:  
 27 (1) The consumer provides the direct artisan distillery with  
 28 the following:  
 29 (A) The consumer's name.  
 30 (B) A valid delivery address and telephone number.  
 31 (C) Proof of age by a state government issued or federal  
 32 government issued identification card showing the  
 33 consumer to be at least twenty-one (21) years of age. The  
 34 proof under this clause may be evidenced:  
 35 (i) in person;  
 36 (ii) by a photocopy or facsimile copy that is mailed or  
 37 electronically transmitted;  
 38 (iii) by a computer scanned, electronically transmitted  
 39 copy; or  
 40 (iv) through an age verification service used by the direct  
 41 artisan distillery seller.  
 42 (2) The direct artisan distillery seller meets the following



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- requirements:**
- (A) Maintains for two (2) years all records of liquor sales made under this chapter. If the records are requested by the commission, a direct artisan distillery seller shall:**
    - (i) make the records available to the commission during the direct artisan distillery seller's regular business hours; or**
    - (ii) at the direction of the commission, deliver copies to the commission.**
  - (B) Stamps, prints, or labels on the outside of the shipping container the following: "CONTAINS LIQUOR. SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."**
  - (C) Causes the liquor to be delivered by the holder of a valid carrier's alcoholic beverage permit under IC 7.1-3-18.**
  - (D) Directs the carrier to verify that the individual personally receiving the liquor shipment is at least twenty-one (21) years of age.**
  - (E) Remits to the department of state revenue monthly all Indiana excise, sales, and use taxes on the shipments made into Indiana by the direct artisan distillery seller during the previous month.**
  - (F) Ships to a consumer in Indiana only liquor manufactured, produced, or bottled by the applicant.**

**Sec. 9. A liquor shipment purchased under this chapter must be delivered to:**

- (1) the consumer, who shall take personal delivery of the shipment at the:**
  - (A) consumer's residence;**
  - (B) consumer's business address;**
  - (C) carrier's business address; or**
  - (D) address displayed on the shipping container; or**
- (2) an individual who is at least twenty-one (21) years of age, who shall take personal delivery of the shipment at the:**
  - (A) consumer's residence;**
  - (B) consumer's business address;**
  - (C) carrier's business address; or**
  - (D) address designated by the consumer and displayed on the shipping container.**

**SECTION 14. IC 7.1-3-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**





1 JULY 1, 2019]:

2 **Chapter 29. Restaurants Owned by Farm Winery and Artisan**  
 3 **Distiller's Permit Holders**

4 **Sec. 1. (a) This chapter applies to the holder of:**

- 5 (1) a farm winery permit;  
 6 (2) an artisan distiller's permit; or  
 7 (3) a combination of the permits described in subdivisions (1)  
 8 and (2).

9 (b) A permit holder described in subsection (a) may also hold a  
 10 beer retailer's permit.

11 **Sec. 2. The holder of a permit described in section 1(a) of this**  
 12 **chapter may do the following:**

- 13 (1) Be the proprietor of a restaurant.  
 14 (2) Transfer wine or liquor directly from the winery, the  
 15 distillery, or the artisan distillery to the restaurant by means  
 16 of:

- 17 (A) bottles;  
 18 (B) bulk containers; or  
 19 (C) a continuous flow system.

20 (3) Install a window between the winery, the distillery, or the  
 21 artisan distillery and an adjacent restaurant that allows the  
 22 public and the holder of the permit to view both premises.

23 (4) Install a doorway or other opening between the winery,  
 24 the distillery, or the artisan distillery and an adjacent  
 25 restaurant that provides the public and the holder of the  
 26 permit with access to both premises.

27 SECTION 15. IC 7.1-4-4.1-2.5 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. (a) The fee for a**  
 30 **supplemental outdoor bar permit is one hundred fifty dollars**  
 31 **(\$150) per year.**

32 (b) The fees collected under this section shall be deposited in the  
 33 enforcement and administration fund under IC 7.1-4-10.

34 SECTION 16. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006,  
 35 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2019]: **Sec. 13. (a) This section applies to the following**  
 37 **permits:**

- 38 (1) Beer wholesaler's permit.  
 39 (2) Malt wholesaler's permit.  
 40 (3) Liquor wholesaler's permit.  
 41 (4) Wine wholesaler's permit.

42 (b) Except as provided in subsection (c), a permit fee of two



1 thousand dollars (\$2,000) is annually imposed for the issuance of each  
 2 of the permits described in subsection (a).

3 (c) A permit fee of one hundred dollars (\$100) is annually imposed  
 4 for the issuance of a **micro** wine wholesaler's permit **under**  
 5 **IC 7.1-3-13-1.5.** to a permit applicant who:

6 (1) has never previously held a wine wholesaler's permit and  
 7 anticipates selling less than twelve thousand (12,000) gallons of  
 8 wine and brandy in a year; or

9 (2) previously held a wine wholesaler's permit and certifies to the  
 10 commission that the permit applicant sold less than twelve  
 11 thousand (12,000) gallons of wine and brandy in the previous  
 12 year.

13 SECTION 17. IC 7.1-5-9-6, AS AMENDED BY P.L.79-2015,  
 14 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2019]: Sec. 6. (a) It is unlawful for the holder of a ~~distiller's,~~  
 16 ~~rectifier's,~~ or liquor wholesaler's permit to have an interest in a beer  
 17 permit of any type under this title. This section does not apply to the  
 18 holder of an artisan distiller's permit that has an interest in a brewer's  
 19 permit issued under IC 7.1-3-2-2(b).

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

22 SECTION 18. IC 7.1-5-9-7 IS REPEALED [EFFECTIVE JULY 1,  
 23 2019]. Sec. 7. (a) Except as provided in IC 7.1-3-27-6, it is unlawful for  
 24 the holder of an artisan distiller's, a distiller's, or a rectifier's permit to  
 25 own, acquire, possess or cause to be transferred to the holder shares of  
 26 stock of a corporation that holds an Indiana permit to sell alcoholic  
 27 beverages at retail, or in a permit to sell at retail in this state, or to own  
 28 or acquire an interest in the business being conducted under the permit,  
 29 or in or to shares of stock in a corporation that owns a permit to sell at  
 30 retail.

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

33 SECTION 19. IC 7.1-5-9-8, AS AMENDED BY P.L.159-2014,  
 34 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2019]: Sec. 8. (a) The holder of an artisan distiller's permit, a  
 36 distiller's permit, or a rectifier's permit may not own, acquire, or  
 37 possess a permit to sell liquor at wholesale. A distiller or rectifier may  
 38 not have an interest in the business of a permittee who is authorized to  
 39 sell beer, liquor, or wine at wholesale or retail.

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

42 SECTION 20. IC 7.1-5-9-10, AS AMENDED BY P.L.79-2015,



1 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2019]: Sec. 10. (a) Except as provided in subsection (b), it is  
3 unlawful for a holder of a retailer's permit of any type to acquire, hold,  
4 own, or possess an interest of any type in a manufacturer's or  
5 wholesaler's permit of any type.

6 (b) It is lawful for a holder of a retailer's permit of any type to  
7 acquire, hold, own, or possess an interest of any type in:

8 (1) a brewer's permit issued under IC 7.1-3-2-2(b); ~~and~~

9 (2) an artisan distiller's permit if the holder of the retailer's permit  
10 also holds a brewer's permit described in subdivision (1);

11 **(3) a distiller's permit under IC 7.1-3-7-1; and**

12 **(4) a farm winery permit issued under IC 7.1-3-12-3.**

13 (c) A person who knowingly or intentionally violates subsection (a)  
14 commits a Class B misdemeanor.

15 SECTION 21. IC 7.1-5-11-1.5, AS AMENDED BY P.L.159-2014,  
16 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2019]: Sec. 1.5. (a) Except as provided in IC 7.1-3-26 **and**  
18 **IC 7.1-3-28**, it is unlawful for a person in the business of selling  
19 alcoholic beverages in Indiana or outside Indiana to ship or cause to be  
20 shipped an alcoholic beverage directly to a person in Indiana who does  
21 not hold a valid wholesaler permit under this title. This includes the  
22 ordering and selling of alcoholic beverages over a computer network  
23 (as defined by IC 35-43-2-3(a)).

24 (b) An in-state or an out-of-state vintner, distiller, brewer, rectifier,  
25 or importer that:

26 (1) holds a basic permit from the federal Bureau of Alcohol,  
27 Tobacco, Firearms and Explosives; and

28 (2) knowingly violates subsection (a);

29 commits a Class A misdemeanor.

30 (c) A person who is not an in-state or an out-of-state vintner,  
31 distiller, brewer, rectifier, or importer that holds a basic permit from the  
32 federal Bureau of Alcohol, Tobacco, Firearms and Explosives who  
33 knowingly violates subsection (a) commits a Level 6 felony.

34 (d) Upon a determination by the commission that a person has  
35 violated subsection (a), a wholesaler may not accept a shipment of  
36 alcoholic beverages from the person for a period of up to one (1) year  
37 as determined by the commission.

38 (e) If the chairman of the alcohol and tobacco commission or the  
39 attorney general determines that a vintner, distiller, brewer, rectifier, or  
40 importer that holds a basic permit from the federal Bureau of Alcohol,  
41 Tobacco, Firearms and Explosives has made an illegal shipment of an  
42 alcoholic beverage to consumers in Indiana, the chairman shall:



1 (1) notify the federal Bureau of Alcohol, Tobacco, Firearms and  
 2 Explosives in writing and by certified mail of the official  
 3 determination that state law has been violated; and

4 (2) request the federal bureau to take appropriate action.

5 (f) The commission shall adopt rules under IC 4-22-2 to implement  
 6 this section.

7 SECTION 22. IC 7.1-5-12-5, AS AMENDED BY P.L.231-2015,  
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2019]: Sec. 5. (a) Except as provided in subsection (c) and  
 10 subject to section 13 of this chapter, smoking may be allowed in the  
 11 following:

12 (1) A horse racing facility operated under a permit under  
 13 IC 4-31-5 and any other permanent structure on land owned or  
 14 leased by the owner of the facility that is adjacent to the facility.

15 (2) A riverboat (as defined in IC 4-33-2-17) and any other  
 16 permanent structure that is:

17 (A) owned or leased by the owner of the riverboat; and

18 (B) located on land that is adjacent to:

19 (i) the dock to which the riverboat is moored; or

20 (ii) the land on which the riverboat is situated in the case of  
 21 a riverboat described in IC 4-33-2-17(2).

22 (3) A facility that operates under a gambling game license under  
 23 IC 4-35-5 and any other permanent structure on land owned or  
 24 leased by the owner of the facility that is adjacent to the facility.

25 (4) A satellite facility licensed under IC 4-31-5.5.

26 (5) An establishment owned or leased by a business that meets the  
 27 following requirements:

28 (A) The business was in business and permitted smoking on  
 29 December 31, 2012.

30 (B) The business prohibits entry by an individual who is less  
 31 than twenty-one (21) years of age.

32 (C) The owner or operator of the business holds a beer, liquor,  
 33 or wine retailer's permit.

34 (D) The business limits smoking in the establishment to  
 35 smoking with a waterpipe or hookah device.

36 (E) During the preceding calendar year, at least ten percent  
 37 (10%) of the business's annual gross income was from the sale  
 38 of loose tobacco for use in a waterpipe or hookah device.

39 (F) The person in charge of the business posts in the  
 40 establishment conspicuous signs that display the message that  
 41 cigarette smoking is prohibited.

42 (6) An establishment owned or leased by a business that meets the



- 1 following requirements:
- 2 (A) The business prohibits entry by an individual who is less
- 3 than twenty-one (21) years of age.
- 4 (B) The owner or operator of the business holds a beer, liquor,
- 5 or wine retailer's permit.
- 6 (C) The business limits smoking in the establishment to cigar
- 7 smoking.
- 8 (D) During the preceding calendar year, at least ten percent
- 9 (10%) of the business's annual gross income was from the sale
- 10 of cigars and the rental of onsite humidors.
- 11 (E) The person in charge of the business posts in the
- 12 establishment conspicuous signs that display the message that
- 13 cigarette smoking is prohibited.
- 14 (7) A premises owned or leased by and regularly used for the
- 15 activities of a business that meets all of the following:
- 16 (A) The business is exempt from federal income taxation
- 17 under 26 U.S.C. 501(c).
- 18 (B) The business:
- 19 (i) meets the requirements to be considered a club under
- 20 IC 7.1-3-20-1; or
- 21 (ii) is a fraternal club (as defined in IC 7.1-3-20-7).
- 22 (C) The business provides food or alcoholic beverages only to
- 23 its bona fide members and their guests.
- 24 (D) The business:
- 25 (i) provides a separate, enclosed, designated smoking room
- 26 or area that is adequately ventilated to prevent migration of
- 27 smoke to nonsmoking areas of the premises;
- 28 (ii) allows smoking only in the room or area described in
- 29 item (i);
- 30 (iii) does not allow an individual who is less than eighteen
- 31 (18) years of age to enter into the room or area described in
- 32 item (i); and
- 33 (iv) allows a guest in the smoking room or area described in
- 34 item (i) only when accompanied by a bona fide member of
- 35 the business.
- 36 (8) A retail tobacco store used primarily for the sale of tobacco
- 37 products and tobacco accessories that meets the following
- 38 requirements:
- 39 (A) The owner or operator of the store holds a valid tobacco
- 40 sales certificate issued under IC 7.1-3-18.5.
- 41 (B) The store prohibits entry by an individual who is less than
- 42 eighteen (18) years of age.



- 1 (C) The sale of products other than tobacco products and  
 2 tobacco accessories is merely incidental.
- 3 (D) The sale of tobacco products accounts for at least  
 4 eighty-five percent (85%) of the store's annual gross sales.
- 5 (E) Food or beverages are not sold in a manner that requires  
 6 consumption on the premises, and there is not an area set aside  
 7 for customers to consume food or beverages on the premises.
- 8 (9) A **bar barroom** or tavern:
- 9 (A) for which a permittee holds:
- 10 (i) a beer retailer's permit under IC 7.1-3-4;
- 11 (ii) a liquor retailer's permit under IC 7.1-3-9; or
- 12 (iii) a wine retailer's permit under IC 7.1-3-14;
- 13 (B) that does not employ an individual who is less than  
 14 eighteen (18) years of age;
- 15 (C) that does not allow an individual who:
- 16 (i) is less than twenty-one (21) years of age; and
- 17 (ii) is not an employee of the **bar barroom** or tavern;  
 18 to enter any area of the **bar barroom** or tavern; and
- 19 (D) that is not located in a business that would otherwise be  
 20 subject to this chapter.
- 21 (10) A cigar manufacturing facility that does not offer retail sales.
- 22 (11) A premises of a cigar specialty store to which all of the  
 23 following apply:
- 24 (A) The owner or operator of the store holds a valid tobacco  
 25 sales certificate issued under IC 7.1-3-18.5.
- 26 (B) The sale of tobacco products and tobacco accessories  
 27 account for at least fifty percent (50%) of the store's annual  
 28 gross sales.
- 29 (C) The store has a separate, enclosed, designated smoking  
 30 room that is adequately ventilated to prevent migration of  
 31 smoke to nonsmoking areas.
- 32 (D) Smoking is allowed only in the room described in clause  
 33 (C).
- 34 (E) Individuals who are less than eighteen (18) years of age are  
 35 prohibited from entering into the room described in clause (C).
- 36 (F) Cigarette smoking is not allowed on the premises of the  
 37 store.
- 38 (G) The owner or operator of the store posts a conspicuous  
 39 sign on the premises of the store that displays the message that  
 40 cigarette smoking is prohibited.
- 41 (H) The store does not prepare any food or beverage that  
 42 would require a certified food handler under IC 16-42-5.2.



1 (12) The premises of a business that is located in the business  
 2 owner's private residence (as defined in IC 3-5-2-42.5) if the only  
 3 employees of the business who work in the residence are the  
 4 owner and other individuals who reside in the residence.

5 (b) The owner, operator, manager, or official in charge of an  
 6 establishment or premises in which smoking is allowed under this  
 7 section shall post conspicuous signs in the establishment that read  
 8 "WARNING: Smoking Is Allowed In This Establishment" or other  
 9 similar language.

10 (c) This section does not allow smoking in the following enclosed  
 11 areas of an establishment or premises described in subsection (a)(1)  
 12 through (a)(11):

13 (1) Any hallway, elevator, or other common area where an  
 14 individual who is less than eighteen (18) years of age is permitted.

15 (2) Any room that is intended for use by an individual who is less  
 16 than eighteen (18) years of age.

17 (d) The owner, operator, or manager of an establishment or premises  
 18 that is listed under subsection (a) and that allows smoking shall provide  
 19 a verified statement to the commission that states that the establishment  
 20 or premises qualifies for the exemption. The commission may require  
 21 the owner, operator, or manager of an establishment or premises to  
 22 provide documentation or additional information concerning the  
 23 exemption of the establishment or premises.

24 SECTION 23. IC 35-52-7-13.3 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2019]: **Sec. 13.3. IC 7.1-3-28-4 concerning**  
 27 **direct artisan distillery seller's permits.**

28 SECTION 24. IC 35-52-7-13.6 IS ADDED TO THE INDIANA  
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2019]: **Sec. 13.6. IC 7.1-3-28-5 concerning**  
 31 **direct artisan distillery seller's permits.**

32 SECTION 25. IC 35-52-7-55 IS REPEALED [EFFECTIVE JULY  
 33 1, 2019]. ~~Sec. 55. IC 7.1-5-9-7 defines a crime concerning interests.~~

34 SECTION 26. [EFFECTIVE JULY 1, 2019] **(a) 905 IAC 1-41-4 is**  
 35 **void. The publisher of the Indiana Administrative Code and**  
 36 **Indiana Register shall remove this section from the Indiana**  
 37 **Administrative Code.**

38 **(b) This SECTION expires December 31, 2019.**

