



Reprinted
January 30, 2018

HOUSE BILL No. 1419

DIGEST OF HB 1419 (Updated January 29, 2018 6:47 pm - DI 107)

Citations Affected: IC 6-8.1; IC 7.1-2; IC 7.1-3; IC 7.1-4; IC 7.1-5; IC 31-16; IC 31-25.

Synopsis: Various alcoholic beverage matters. Establishes requirements that a sales clerk in a grocery store or drug store must satisfy beginning July 1, 2020, in order to sell alcoholic beverages. Allows alcoholic beverages of any type to be sold from a portable structure or cart on a golf course. Repeals provisions regarding the following: (1) Malt manufacturer's permit. (2) Malt wholesaler's permit. (3) Malt dealer's permit. (4) Malt excise tax. (5) Seasonal resort hotel permit. Requires a grocery store or pharmacy to display alcoholic beverages in one area of the store. Maintains the escrow process for retailer or dealer permits deposited in escrow before July 1, 2019. Provides that for a retailer or dealer permit deposited in escrow after June 30, 2019, the permit may be deposited in escrow for not more than three (3) years. Amends for consistency provisions that allow a manufacturer of two types of alcoholic beverages, which has both production facilities in one building, to serve alcohol from both production facilities at a single service bar. Adds a similar provision in the law regarding artisan distilleries. Specifies that the holder of an artisan distiller's permit may hold only one other manufacturer's permit. Allows a patron to carry wine into a restaurant and the permit holder to charge a corkage fee for serving wine brought in by a patron. Requires the alcohol and tobacco commission (ATC) to post on the ATC's Internet web site quarterly reports of the noncompliance rates of
(Continued next page)

Effective: Upon passage; July 1, 2018.

Smaltz, GiaQuinta

January 11, 2018, read first time and referred to Committee on Public Policy.
January 25, 2018, amended, reported — Do Pass.
January 29, 2018, read second time, amended, ordered engrossed.

HB 1419—LS 7150/DI 87



Digest Continued

permittees who were subject to certain ATC enforcement actions and to prepare an annual report of the noncompliance rates to transmit to the legislative council. Disqualifies persons from being eligible for certain alcoholic beverage permits or for appointment as an ATC commission member or member of the local ATC board if the person has certain criminal convictions within 10 years of the date of the application or appointment. Removes the requirement that these persons be of "good moral character". Defines "river" for purposes of a municipal riverfront development district project established after June 30, 2018, under the alcoholic beverage law. Provides that if a river is determined to be navigable, the determination has no legal effect beyond satisfying a requirement for establishing a municipal riverfront development district project. Removes a requirement that a county surveyor verify the location of a premises outside the corporate limits of a city or town of a person who applies for a beer retailer's permit (applicant) and specifies that the applicant may certify the location of the premises. Establishes the conditions when a county surveyor is required to verify the location of the premises of an applicant. Allows a retailer or dealer to extend credit to a customer for an alcohol purchase that the customer does not pay for before leaving the permitted premises. Allows the holder of a retailer's permit for a social or fraternal club to "run a tab" for a club member purchasing alcohol for personal use. Provides that an artisan distillery, a microbrewery, and a farm winery may operate a bar or service bar: (1) indoors or outdoors; and (2) that may be viewed from a street or public highway. Allows a retailer permittee or a holder of a supplemental caterer's permit operating at certain collegiate stadiums to purchase alcoholic beverages and have the alcoholic beverages stored in areas approved by the alcohol and tobacco commission to be later served at the stadium.

HB 1419—LS 7150/DI 87



Reprinted
January 30, 2018

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1419

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 6-8.1-1-1, AS AMENDED BY P.L.256-2017,
2 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 1. "Listed taxes" or "taxes" includes only the
4 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat
5 admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13);
6 the slot machine wagering tax (IC 4-35-8); the type II gambling game
7 excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the
8 utility receipts and utility services use taxes (IC 6-2.3); the state gross
9 retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3);
10 the supplemental net income tax (IC 6-3-8) (repealed); the county
11 adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option
12 income tax (IC 6-3.5-6) (repealed); the county economic development
13 income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the
14 auto rental excise tax (IC 6-6-9); the financial institutions tax
15 (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax

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1 (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax
 2 collected under a reciprocal agreement under IC 6-8.1-3; the vehicle
 3 excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the
 4 commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on
 5 recreational vehicles and truck campers (IC 6-6-5.1); the hazardous
 6 waste disposal tax (IC 6-6-6.6) (repealed); the cigarette tax (IC 6-7-1);
 7 the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the
 8 wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5);
 9 ~~the malt excise tax (IC 7.1-4-5)~~; the petroleum severance tax
 10 (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and
 11 beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and
 12 IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed
 13 for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties
 14 assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any
 15 other tax or fee that the department is required to collect or administer.

16 SECTION 2. IC 6-8.1-7-1, AS AMENDED BY THE TECHNICAL
 17 CORRECTIONS BILL OF THE 2018 GENERAL ASSEMBLY, IS
 18 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:
 19 Sec. 1. (a) This subsection does not apply to the disclosure of
 20 information concerning a conviction on a tax evasion charge. Unless in
 21 accordance with a judicial order or as otherwise provided in this
 22 chapter, the department, its employees, former employees, counsel,
 23 agents, or any other person may not divulge the amount of tax paid by
 24 any taxpayer, terms of a settlement agreement executed between a
 25 taxpayer and the department, investigation records, investigation
 26 reports, or any other information disclosed by the reports filed under
 27 the provisions of the law relating to any of the listed taxes, including
 28 required information derived from a federal return, except to *any of the*
 29 *following when it is agreed that the information is to be confidential*
 30 *and to be used solely for official purposes:*

- 31 (1) Members and employees of the department.
- 32 (2) The governor.
- 33 (3) A member of the general assembly or an employee of the
 34 house of representatives or the senate when acting on behalf of a
 35 taxpayer located in the member's legislative district who has
 36 provided sufficient information to the member or employee for
 37 the department to determine that the member or employee is
 38 acting on behalf of the taxpayer.
- 39 (4) *An employee of the legislative services agency to carry out the*
 40 *responsibilities of the legislative services agency under*
 41 *IC 2-5-1.1-7 or another law.*
- 42 ~~(5)~~ (5) The attorney general or any other legal representative of



1 the state in any action in respect to the amount of tax due under
 2 the provisions of the law relating to any of the listed taxes. ~~or~~
 3 ~~(5)~~ (6) Any authorized officers of the United States.
 4 *when it is agreed that the information is to be confidential and to be*
 5 *used solely for official purposes.*

6 (b) The information described in subsection (a) may be revealed
 7 upon the receipt of a certified request of any designated officer of the
 8 state tax department of any other state, district, territory, or possession
 9 of the United States when:

10 (1) the state, district, territory, or possession permits the exchange
 11 of like information with the taxing officials of the state; and

12 (2) it is agreed that the information is to be confidential and to be
 13 used solely for tax collection purposes.

14 (c) The information described in subsection (a) relating to a person
 15 on public welfare or a person who has made application for public
 16 welfare may be revealed to the director of the division of family
 17 resources, and to any director of a county office of the division of
 18 family resources located in Indiana, upon receipt of a written request
 19 from either director for the information. The information shall be
 20 treated as confidential by the directors. In addition, the information
 21 described in subsection (a) relating to a person who has been
 22 designated as an absent parent by the state Title IV-D agency shall be
 23 made available to the state Title IV-D agency upon request. The
 24 information shall be subject to the information safeguarding provisions
 25 of the state and federal Title IV-D programs.

26 (d) The name, address, Social Security number, and place of
 27 employment relating to any individual who is delinquent in paying
 28 educational loans owed to a postsecondary educational institution may
 29 be revealed to that institution if it provides proof to the department that
 30 the individual is delinquent in paying for educational loans. This
 31 information shall be provided free of charge to approved postsecondary
 32 educational institutions (as defined by IC 21-7-13-6(a)). The
 33 department shall establish fees that all other institutions must pay to the
 34 department to obtain information under this subsection. However, these
 35 fees may not exceed the department's administrative costs in providing
 36 the information to the institution.

37 (e) The information described in subsection (a) relating to reports
 38 submitted under IC 6-6-1.1-502 concerning the number of gallons of
 39 gasoline sold by a distributor and IC 6-6-2.5 concerning the number of
 40 gallons of special fuel sold by a supplier and the number of gallons of
 41 special fuel exported by a licensed exporter or imported by a licensed
 42 transporter may be released by the commissioner upon receipt of a



- 1 written request for the information.
- 2 (f) The information described in subsection (a) may be revealed
3 upon the receipt of a written request from the administrative head of a
4 state agency of Indiana when:
- 5 (1) the state agency shows an official need for the information;
6 and
7 (2) the administrative head of the state agency agrees that any
8 information released will be kept confidential and will be used
9 solely for official purposes.
- 10 (g) The information described in subsection (a) may be revealed
11 upon the receipt of a written request from the chief law enforcement
12 officer of a state or local law enforcement agency in Indiana when it is
13 agreed that the information is to be confidential and to be used solely
14 for official purposes.
- 15 (h) The name and address of retail merchants, including township,
16 as specified in IC 6-2.5-8-1(k) may be released solely for tax collection
17 purposes to township assessors and county assessors.
- 18 (i) The department shall notify the appropriate innkeeper's tax
19 board, bureau, or commission that a taxpayer is delinquent in remitting
20 innkeepers' taxes under IC 6-9.
- 21 (j) All information relating to the delinquency or evasion of the
22 ~~motor~~ vehicle excise tax may be disclosed to the bureau of motor
23 vehicles in Indiana and may be disclosed to another state, if the
24 information is disclosed for the purpose of the enforcement and
25 collection of the taxes imposed by IC 6-6-5.
- 26 (k) All information relating to the delinquency or evasion of
27 commercial vehicle excise taxes payable to the bureau of motor
28 vehicles in Indiana may be disclosed to the bureau and may be
29 disclosed to another state, if the information is disclosed for the
30 purpose of the enforcement and collection of the taxes imposed by
31 IC 6-6-5.5.
- 32 (l) All information relating to the delinquency or evasion of
33 commercial vehicle excise taxes payable under the International
34 Registration Plan may be disclosed to another state, if the information
35 is disclosed for the purpose of the enforcement and collection of the
36 taxes imposed by IC 6-6-5.5.
- 37 (m) All information relating to the delinquency or evasion of the
38 excise taxes imposed on recreational vehicles and truck campers that
39 are payable to the bureau of motor vehicles in Indiana may be disclosed
40 to the bureau and may be disclosed to another state if the information
41 is disclosed for the purpose of the enforcement and collection of the
42 taxes imposed by IC 6-6-5.1.



- 1 (n) This section does not apply to:
- 2 (1) the beer excise tax, including brand and packaged type
- 3 (IC 7.1-4-2);
- 4 (2) the liquor excise tax (IC 7.1-4-3);
- 5 (3) the wine excise tax (IC 7.1-4-4);
- 6 (4) the hard cider excise tax (IC 7.1-4-4.5);
- 7 ~~(5) the malt excise tax (IC 7.1-4-5);~~
- 8 ~~(6) (5) the motor vehicle excise tax (IC 6-6-5);~~
- 9 ~~(7) (6) the commercial vehicle excise tax (IC 6-6-5.5); and~~
- 10 ~~(8) (7) the fees under IC 13-23.~~
- 11 (o) The name and business address of retail merchants within each
- 12 county that sell tobacco products may be released to the division of
- 13 mental health and addiction and the alcohol and tobacco commission
- 14 solely for the purpose of the list prepared under IC 6-2.5-6-14.2.
- 15 (p) The name and business address of a person licensed by the
- 16 department under IC 6-6 or IC 6-7 may be released for the purpose of
- 17 reporting the status of the person's license.
- 18 (q) The department may release information concerning total
- 19 incremental tax amounts under:
- 20 (1) IC 5-28-26;
- 21 (2) IC 36-7-13;
- 22 (3) IC 36-7-26;
- 23 (4) IC 36-7-27;
- 24 (5) IC 36-7-31;
- 25 (6) IC 36-7-31.3; or
- 26 (7) any other statute providing for the calculation of incremental
- 27 state taxes that will be distributed to or retained by a political
- 28 subdivision or other entity;
- 29 to the fiscal officer of the political subdivision or other entity that
- 30 established the district or area from which the incremental taxes were
- 31 received if that fiscal officer enters into an agreement with the
- 32 department specifying that the political subdivision or other entity will
- 33 use the information solely for official purposes.
- 34 (r) The department may release the information as required in
- 35 IC 6-8.1-3-7.1 concerning:
- 36 (1) an innkeeper's tax, a food and beverage tax, or an admissions
- 37 tax under IC 6-9;
- 38 (2) the supplemental auto rental excise tax under IC 6-6-9.7; and
- 39 (3) the covered taxes allocated to a professional sports
- 40 development area fund, sports and convention facilities operating
- 41 fund, or other fund under IC 36-7-31 and IC 36-7-31.3.
- 42 (s) Information concerning state gross retail tax exemption



1 certificates that relate to a person who is exempt from the state gross
 2 retail tax under IC 6-2.5-4-5 may be disclosed to a power subsidiary (as
 3 defined in IC 6-2.5-4-5) or a person selling the services or commodities
 4 listed in IC 6-2.5-4-5(b) for the purpose of enforcing and collecting the
 5 state gross retail and use taxes under IC 6-2.5.

6 SECTION 3. IC 7.1-2-1-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. ~~Qualifications of~~
 8 ~~Commissioners~~. To be eligible for appointment as a commissioner, a
 9 person shall possess the following qualifications:

10 ~~(a) He~~ **(1) The person shall must be at least thirty-one (31) years**
 11 **of age. or older.**

12 ~~(b) He~~ **(2) The person shall have a good moral character; and,**
 13 **may not have a conviction within ten (10) years before the**
 14 **date of appointment of:**

15 **(A) a federal crime having a sentence of at least one (1)**
 16 **year;**

17 **(B) an Indiana Class A, Class B, or Class C felony (for a**
 18 **crime committed before July 1, 2014) or a Level 1, Level 2,**
 19 **Level 3, Level 4, or Level 5 felony (for a crime committed**
 20 **after June 30, 2014); or**

21 **(C) a crime in a state other than Indiana having a penalty**
 22 **equal to the penalty for an Indiana Class A, Class B, or**
 23 **Class C felony (for a crime committed before July 1, 2014)**
 24 **or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony**
 25 **(for a crime committed after June 30, 2014).**

26 ~~(c) He~~ **(3) The person shall have been a must be an Indiana**
 27 **resident of the state for at least ten (10) years immediately**
 28 **preceding his the person's appointment.**

29 SECTION 4. IC 7.1-2-3-4.6 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2018]: Sec. 4.6. **(a) The commission shall prepare quarterly**
 32 **reports that provide the rates of violation by permittees subject to**
 33 **an enforcement action under IC 7.1-5-7-17. The commission shall**
 34 **issue the quarterly reports on or before the fifteenth day of:**

35 **(1) January, concerning violations committed during the**
 36 **preceding quarter consisting of the months of October**
 37 **through December;**

38 **(2) April, concerning violations committed during the**
 39 **preceding quarter consisting of the months of January**
 40 **through March;**

41 **(3) July, concerning violations committed during the**
 42 **preceding quarter consisting of the months of April through**



- 1 **June; and**
 2 **(4) October, concerning violations committed during the**
 3 **preceding quarter consisting of the months of July through**
 4 **September.**
 5 **(b) The commission's quarterly report must provide**
 6 **noncompliance rates of violations by:**
 7 **(1) permit type; and**
 8 **(2) county.**
 9 **(c) The commission shall post the quarterly reports on the**
 10 **commission's Internet web site. The commission shall:**
 11 **(1) prepare a report annually that compiles the rates for the**
 12 **preceding calendar year; and**
 13 **(2) provide the report to the legislative council not later than**
 14 **February 1 of each year in an electronic format under**
 15 **IC 5-14-6.**
 16 SECTION 5. IC 7.1-2-4-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. ~~Qualifications of~~
 18 ~~Appointed Members:~~ An appointed member of a local board shall
 19 possess the following qualifications:
 20 ~~(a) He~~ **(1) The person shall must be at least** twenty-one (21)
 21 years of age. ~~or older;~~
 22 ~~(b) He~~ **(2) The person shall have been must be** a bona fide
 23 resident of the county in which ~~he~~ **the person** is to serve for at
 24 least five (5) years immediately preceding ~~his~~ **the person's**
 25 appointment.
 26 ~~(c) He~~ **(3) The person shall never have been convicted of a felony**
 27 under the laws of this state ~~or of the United States;~~ and **may not**
 28 **have a conviction within ten (10) years before the date of**
 29 **appointment of:**
 30 **(A) a federal crime having a sentence of at least one (1)**
 31 **year;**
 32 **(B) an Indiana Class A, Class B, or Class C felony (for a**
 33 **crime committed before July 1, 2014) or a Level 1, Level 2,**
 34 **Level 3, Level 4, or Level 5 felony (for a crime committed**
 35 **after June 30, 2014); or**
 36 **(C) a crime in a state other than Indiana having a penalty**
 37 **equal to the penalty for an Indiana Class A, Class B, or**
 38 **Class C felony (for a crime committed before July 1, 2014)**
 39 **or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony**
 40 **(for a crime committed after June 30, 2014).**
 41 ~~(d) He shall have a good moral character.~~
 42 SECTION 6. IC 7.1-2-4-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. ~~Qualifications of~~
 2 ~~Designated Members.~~ (a) The designated member of a local board shall
 3 be a person of good moral character, **meet the following**
 4 **requirements:**

- 5 (1) ~~The person must be an Indiana~~ a resident. ~~of Indiana and~~
 6 (2) ~~The person must be familiar with the laws of Indiana~~
 7 concerning alcoholic beverages. **beverage law.**
 8 (3) ~~The person may not have a conviction within ten (10) years~~
 9 **before the date of appointment of:**

10 (A) a federal crime having a sentence of at least one (1)
 11 year;

12 (B) an Indiana Class A, Class B, or Class C felony (for a
 13 crime committed before July 1, 2014) or a Level 1, Level 2,
 14 Level 3, Level 4, or Level 5 felony (for a crime committed
 15 after June 30, 2014); or

16 (C) a crime in a state other than Indiana having a penalty
 17 equal to the penalty for an Indiana Class A, Class B, or
 18 Class C felony (for a crime committed before July 1, 2014)
 19 or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony
 20 (for a crime committed after June 30, 2014).

21 (b) The designated member may be an officer or employee of the
 22 commission.

23 SECTION 7. IC 7.1-3-1-3.5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. **This section**
 25 **applies to a retailer or dealer permit that is deposited in escrow**
 26 **before July 1, 2019.** A permittee to whom a retailer or dealer permit
 27 has been issued under this title may deposit that permit with the
 28 commission for a period of one (1) year if the permittee is unable to
 29 immediately operate the business to which the permit applies. The
 30 commission may extend the term of the deposit for not more than four
 31 (4) additional one (1) year periods if the permittee is able to show to
 32 the satisfaction of the commission that the permittee is making a good
 33 faith effort to put the permit into operation.

34 SECTION 8. IC 7.1-3-1-3.7 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2018]: Sec. 3.7. (a) **This section applies to a retailer or dealer**
 37 **permit issued after June 30, 2019.**

38 (b) **A retailer or dealer permit that has been issued under this**
 39 **title may be deposited with the commission for a total of not more**
 40 **than three (3) years.**

41 (c) **The three (3) year deposit period described in subsection (b):**

- 42 (1) **does not have to be consecutive;**



- 1 (2) can transfer to a new permittee;
 2 (3) is tied to the individual permit; and
 3 (4) cannot be extended.

4 (d) The commission shall track the amount of time that a permit
 5 has been deposited with the commission under this section and
 6 make this information available to the permittee.

7 (e) A retailer or dealer permit that is in escrow at the end of the
 8 three (3) year deposit period reverts to the commission. The permit
 9 holder is not entitled to any refund or other compensation.

10 SECTION 9. IC 7.1-3-1-18, AS AMENDED BY P.L.196-2015,
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2018]: Sec. 18. (a) Except as provided in subsections (d) and
 13 (e), if publication of notice of application for a permit is required under
 14 this title, the publication shall be made in one (1) newspaper of general
 15 circulation published in the county where the permit is to be in effect.

16 (b) Publication required under subsection (a) may be made in any
 17 newspaper of general circulation published one (1) or more times each
 18 week.

19 (c) The rates which shall be paid for the advertising of a notice
 20 required under this title shall be those required to be paid in case of
 21 other notices published for or on behalf of the state.

22 (d) The commission may publish notice of application for a
 23 ~~(+) three-way permit for a restaurant described in~~
 24 ~~IC 7.1-3-20-12(4) or~~

25 ~~(2) seasonal permit granted under IC 7.1-3-20-22;~~
 26 by posting the notice on the commission's Internet web site.

27 (e) If:

- 28 (1) the commission is unable to procure advertising of a notice as
 29 required under subsection (a) at the rates set forth in IC 5-3-1; or
 30 (2) the newspaper published in the county as described in
 31 subsection (a) refuses to publish the notice;

32 the commission may, instead of publication in a newspaper as required
 33 under subsection (a), require the designated member of the local board
 34 of the county to post printed notices in three (3) prominent locations in
 35 the county.

36 SECTION 10. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 2. As used in this chapter, "dealer permittee"
 39 means a person who holds a ~~liquor dealer permit under IC 7.1-3-10~~ a
 40 **dealer's permit** for a package liquor store **(before July 1, 2020) or a**
 41 **package liquor store, grocery store, or a drug store (after June 30,**
 42 **2020).**



1 SECTION 11. IC 7.1-3-2-7.5, AS ADDED BY P.L.97-2015,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 7.5. (a) This section applies ~~only if the permit~~
 4 ~~premises of if:~~

5 **(1) the holder of a brewer's permit under section 7(5) of this**
 6 **chapter also holds:**

7 ~~(1) (A) a farm winery permit; and or~~

8 ~~(2) (B) a brewery under section 7(5) of this chapter; an~~
 9 ~~artisan distiller's permit; and~~

10 **(2) the brewery and the holder's other production facility**
 11 **occupy the same building.**

12 (b) Notwithstanding any other provision, a person who holds a ~~farm~~
 13 ~~winery permit and a brewery permit two (2) permits~~ may sell by the
 14 glass for consumption on the premises ~~(1) the farm winery's wine; and~~
 15 ~~(2) the brewery's beer; from the same service bar; without a partition;~~
 16 ~~wall; or any other structure separating the service of wine and the~~
 17 ~~service of beer: all alcoholic beverages:~~

18 **(1) manufactured by the holder's two (2) production facilities;**
 19 **and**

20 **(2) from a single service bar.**

21 **The commission may not require any physical separation at the**
 22 **service bar between the service of alcoholic beverages**
 23 **manufactured by one (1) production facility and the service of**
 24 **alcoholic beverages manufactured by the permit holder's other**
 25 **production facility.**

26 **(c) This section does not exempt a permit holder from**
 27 **complying with permit restrictions that affect the sales and service**
 28 **of only one (1) of the alcoholic beverages manufactured by the**
 29 **permit holder.**

30 SECTION 12. IC 7.1-3-4-2, AS AMENDED BY P.L.158-2013,
 31 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The commission shall not
 33 issue a beer retailer's permit, except as otherwise authorized in this title
 34 and subject to the other restrictions contained in this title, to the
 35 following persons:

36 (1) An alien.

37 (2) A person who ~~(A) is not of good moral character and~~ of good
 38 ~~repute in the community in which the person resides. or (B)~~

39 **(3) A person who** has been convicted within ten (10) years before
 40 the date of application of:

41 ~~(1) (A) a federal crime having a sentence of at least one (1)~~
 42 ~~year;~~



- 1 (ii) **(B)** an Indiana Class A, Class B, or Class C felony (for a
2 crime committed before July 1, 2014) or a Level 1, Level 2,
3 Level 3, Level 4, or Level 5 felony (for a crime committed
4 after June 30, 2014); or
5 (iii) **(C)** a crime in a state other than Indiana having a penalty
6 equal to the penalty for an Indiana Class A, Class B, or Class
7 C felony (for a crime committed before July 1, 2014) or a
8 Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a
9 crime committed after June 30, 2014).
- 10 (3) **(4)** A person who does not own the premises to which the
11 permit will be applicable, or who does not have a bona fide lease
12 on the premises for the full period for which the permit is to be
13 issued.
- 14 (4) **(5)** A law enforcement officer or an officer who is not an
15 elected officer of a municipal corporation, or governmental
16 subdivision, or of ~~this state~~, **Indiana**, charged with any duty or
17 function in the enforcement of this title.
- 18 (5) **(6)** An officer or employee of a person engaged in the
19 alcoholic beverage traffic, which person is a nonresident of ~~this~~
20 **state**, **Indiana**, or is engaged in carrying on any phase of the
21 manufacture of, traffic in, or transportation of alcoholic beverages
22 without a permit under this title when a permit is required by this
23 title.
- 24 (6) **(7)** If the permit applicant does not hold a brewer's permit, a
25 person who leases from a person, or an officer or agent of that
26 person, who holds a brewer's permit or a beer wholesaler's permit.
- 27 (7) **(8)** If the permit applicant does not hold a brewer's permit, a
28 person who is indebted to a person who holds a brewer's permit
29 or a beer wholesaler's permit, or an officer or agent of that person,
30 for a debt secured by a lien, mortgage, or otherwise, upon the
31 premises for which the beer retailer's permit is to be applicable,
32 or upon any of the property or fixtures on the premises, or used,
33 or to be used in connection with the premises.
- 34 (8) **(9)** A person whose place of business is conducted by a
35 manager or agent, unless the manager or agent possesses the same
36 qualifications required for the issuance of a beer retailer's permit
37 to the person.
- 38 (9) **(10)** A minor.
- 39 (10) **(11)** A person non compos mentis.
- 40 (11) **(12)** A person who has held a permit under this title and who
41 has had that permit revoked within one (1) year prior to the date
42 of application for a beer retailer's permit.



1 ~~(12)~~ **(13)** A person who has made an application for a permit of
 2 any type which has been denied less than one (1) year prior to the
 3 person's application for a beer retailer's permit unless the first
 4 application was denied by reason of a procedural or technical
 5 defect.

6 ~~(13)~~ **(14)** A person who is not the proprietor of a restaurant
 7 located and being operated on the premises described in the
 8 application for the beer retailer's permit, or of a hotel, or of a club,
 9 owning, or leasing the premises as a part of it. The
 10 disqualification contained in this subdivision shall not apply to
 11 the qualifications for or affect the privileges to be accorded under
 12 a beer dealer's permit or a dining car beer permit.

13 (b) Subsection ~~(a)(9)~~ **(a)(10)** does not prevent a minor from being
 14 a stockholder in a corporation.

15 SECTION 13. IC 7.1-3-4-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. ~~Premises Outside~~
 17 ~~Corporate Limits.~~ (a) The commission may issue a beer retailer's permit
 18 for premises situated outside the corporate limits of an incorporated
 19 city or town if the premises are within, or in immediate proximity to,
 20 an unincorporated town:

21 (1) which has been a settlement or a group of residences for more
 22 than ten (10) years;

23 (2) to which the inhabitants of the surrounding countryside resort
 24 for purchases or public meetings or as a community or
 25 neighborhood center; and

26 (3) which has borne a name and has been known by that name for
 27 more than ten (10) years.

28 ~~(b) The county surveyor of the county in which the premises is~~
 29 ~~located shall certify the information set forth in subsection (a) to the~~
 30 ~~commission.~~

31 **(b) A person who applies for a beer retailer's permit shall**
 32 **certify on a form prescribed by the commission that the premises**
 33 **is situated outside a location referred to in subsection (a). However,**
 34 **if the commission receives a complaint regarding the location of the**
 35 **premises, the commission shall request that the county surveyor**
 36 **verify the location of the premises.**

37 SECTION 14. IC 7.1-3-5-2, AS AMENDED BY P.L.214-2016,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2018]: Sec. 2. (a) As used in this section, "proprietor of a
 40 package liquor store" means the person that:

41 (1) holds the financial investment in; and

42 (2) exercises the financial and operational oversight of;



- 1 a package liquor store.
- 2 (b) The commission may issue a beer dealer's permit only to an
3 applicant who is the proprietor of a drug store, grocery store, or
4 package liquor store.
- 5 (c) Subject to subsection (d), the commission may issue a beer
6 dealer's permit to an applicant that is a foreign corporation if:
- 7 (1) the applicant is duly admitted to do business in Indiana;
 - 8 (2) the sale of beer is within the applicant's corporate powers; and
 - 9 (3) the applicant is otherwise qualified under this title.
- 10 (d) Except as provided under IC 7.1-3-21-5.6, the commission may
11 issue a beer dealer's permit under subsection (c) for the premises of a
12 package liquor store only if the proprietor of the package liquor store
13 satisfies the Indiana resident ownership requirements described in
14 IC 7.1-3-21-5(b), IC 7.1-3-21-5.2(b), or IC 7.1-3-21-5.4(b).
- 15 (e) The commission shall not issue a beer dealer's permit to a person
16 who is disqualified under the special disqualifications. However, the
17 special disqualification listed in ~~IC 7.1-3-4-2(a)(13)~~
18 **IC 7.1-3-4-2(a)(14)** shall not apply to an applicant for a beer dealer's
19 permit.
- 20 (f) Notwithstanding subsection (b), the commission may renew a
21 beer dealer's permit for an applicant who:
- 22 (1) held a permit before July 1, 1997; and
 - 23 (2) is the proprietor of a confectionery or a store that:
 - 24 (A) is not a drug store, grocery store, or package liquor store;
 - 25 (B) is in good repute; and
 - 26 (C) in the judgment of the commission, deals in merchandise
27 that is not incompatible with the sale of beer.
- 28 SECTION 15. IC 7.1-3-6-2, AS AMENDED BY P.L.214-2016,
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2018]: Sec. 2. The commission may issue a temporary beer
31 permit to a person who is qualified to hold a beer retailer's permit and
32 who has such other qualifications as the commission may prescribe by
33 a provisional order until it adopts a rule or regulation on the matter.
34 However, the special disqualifications listed in ~~IC 7.1-3-4-2(a)(3)~~;
35 ~~IC 7.1-3-4-2(a)(8)~~, and ~~IC 7.1-3-4-2(a)(13)~~; **IC 7.1-3-4-2(a)(4)**,
36 **IC 7.1-3-4-2(a)(9)**, and **IC 7.1-3-4-2(a)(14)**, and the residency
37 requirements provided in IC 7.1-3-21-3, shall not apply to an applicant
38 for a temporary beer permit.
- 39 SECTION 16. IC 7.1-3-12-7.5, AS ADDED BY P.L.97-2015,
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2018]: Sec. 7.5. (a) This section applies if: ~~the permit~~
42 ~~premises of any combination of the following:~~



1 **(1) the holder of a farm winery permit also holds:**

2 ~~(1) a farm winery;~~

3 ~~(2) (A) a brewery brewer's permit under IC 7.1-3-2-7(5); and~~
4 ~~or~~

5 ~~(3) (B) an artisan distillery permit; and~~

6 **(2) the farm winery and the holder's other production facility**
7 **occupy the same building.**

8 (b) Notwithstanding any other provision, a person who holds any
9 combination of a farm winery permit, a brewery permit under
10 ~~IC 7.1-3-2-7(5); and an artisan distiller's permit; two (2) permits may~~
11 sell by the glass for consumption on the premises ~~(1) the farm winery's~~
12 ~~wine; (2) the brewery's beer; and (3) an artisan distillery's liquor; from~~
13 ~~the same service bar, without a partition, wall, or any other structure~~
14 ~~separating the service of wine, the service of beer, and the service of~~
15 ~~liquor. all alcoholic beverages:~~

16 **(1) manufactured at the holder's the two (2) production**
17 **facilities; and**

18 **(2) from a single service bar.**

19 **The commission may not require any physical separation at the**
20 **service bar between the service of alcoholic beverages**
21 **manufactured by one (1) production facility and the service of**
22 **alcoholic beverages manufactured by the permit holder's other**
23 **production facility.**

24 (c) Except as provided in this chapter, the restrictions and
25 provisions of a permittee's permit governing the sale or service of the
26 alcoholic beverage that is the subject of the permit apply to the sale and
27 service of the alcoholic beverage under this chapter. **This section does**
28 **not exempt a permit holder from complying with permit**
29 **restrictions affecting the sales and service of only one (1) of the**
30 **alcoholic beverages manufactured by the permit holder.**

31 SECTION 17. IC 7.1-3-16-6, AS AMENDED BY P.L.214-2016,
32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2018]: Sec. 6. The commission may issue a temporary wine
34 permit to a person who is qualified to hold a beer retailer's permit and
35 who has such other qualifications as the commission may prescribe by
36 a provisional order until it adopts a rule or regulation on the matter.
37 However, the special disqualifications listed in ~~IC 7.1-3-4-2(a)(3);~~
38 ~~IC 7.1-3-4-2(a)(8); and IC 7.1-3-4-2(a)(13); IC 7.1-3-4-2(a)(4),~~
39 **IC 7.1-3-4-2(a)(9), and IC 7.1-3-4-2(a)(14),** and the residency
40 requirements provided in IC 7.1-3-21-3, shall not apply to an applicant
41 for a temporary wine permit.

42 SECTION 18. IC 7.1-3-18-7 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. ~~Salemsmens' Permits:~~
 2 ~~Application and Issuance.~~ (a) The commission may issue a salesman's
 3 permit to a person who desires to act as a salesman. The applicant shall
 4 state in the application the county or counties within Indiana within
 5 which the applicant desires to act as a salesman. The application and
 6 the permit issued by the commission shall set forth the name and
 7 address of the person whom the salesman represents. The application
 8 and permit also shall state if the salesman is acting for himself **or**
 9 **herself** as principal. The application also shall include reasonable rules
 10 as the commission may prescribe from time to time.

11 **(b) The commission may not issue a salesman's permit to a**
 12 **person who has been convicted within ten (10) years prior to the**
 13 **date of application of an offense listed in IC 7.1-3-4-2(a)(3).**

14 SECTION 19. IC 7.1-3-18-9, AS AMENDED BY P.L.196-2015,
 15 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 9. (a) The commission may issue an employee's
 17 permit to a person who desires to act as:

- 18 (1) a clerk in a package liquor store;
- 19 (2) an employee who serves wine at a farm winery; or
- 20 (3) a bartender, waiter, waitress, or manager in a retail
 21 establishment, excepting dining car and boat employees.

22 **This subsection expires July 1, 2020.**

23 **(b) This subsection is effective after June 30, 2020. The**
 24 **commission may issue an employee's permit to a person who**
 25 **desires to act as:**

- 26 **(1) a sales clerk in a package liquor store;**
- 27 **(2) a sales clerk who makes or assists in making alcoholic**
 28 **beverage sales in a grocery store or drug store as described in**
 29 **subsection (d);**
- 30 **(3) an employee who serves wine at a farm winery; or**
- 31 **(4) a bartender, waiter, waitress, or manager in a retail**
 32 **establishment, excepting dining car and boat employees.**

33 ~~(b)~~ (c) A permit authorized by this section is conditioned upon the
 34 compliance by the holder with reasonable rules relating to the permit
 35 which the commission may prescribe from time to time. **The**
 36 **commission may not issue an employee's permit to a person unless**
 37 **the person has successfully completed a server program or trainer**
 38 **program under IC 7.1-3-1.5.**

39 ~~(c)~~ (d) A permit issued under this section entitles its holder to work
 40 for any lawful employer. However, a person may work without an
 41 employee's permit for **not more than** thirty (30) days ~~from~~ **after** the
 42 date shown on a receipt for a cashier's check or money order payable



1 to the commission for that person's employee's permit application.
 2 **After June 30, 2020, this subsection does not authorize a sales clerk**
 3 **at a dealer establishment to check out or assist in checking out a**
 4 **sale of alcoholic beverages as described in subsection (e) without**
 5 **meeting the requirements of subsection (e).**

6 **(e) This subsection is effective after June 30, 2020. A person who**
 7 **is a sales clerk in a dealer establishment may not:**

8 **(1) check out a sale of alcoholic beverages; or**

9 **(2) assist a customer in checking out a sale of alcoholic**
 10 **beverages at a self-automated checkout stand;**

11 **in the course of the person's employment, unless the sales clerk is**
 12 **at least twenty-one (21) years of age and has successfully completed**
 13 **a server program or trainer program under IC 7.1-3-1.5.**

14 ~~(d)~~ **(f) A person who, for a package liquor store dealer**
 15 **establishment or retail establishment, is:**

16 (1) the sole proprietor;

17 (2) a partner, a general partner, or a limited partner in a
 18 partnership or limited partnership that owns the business
 19 establishment;

20 (3) a member of a limited liability company that owns the
 21 business establishment; or

22 (4) a stockholder in a corporation that owns the business
 23 establishment;

24 is not required to obtain an employee's permit, **but must be at least**
 25 **twenty-one (21) years of age** in order to perform any of the acts listed
 26 in subsection (a) **(before July 1, 2020) or subsection (b) (after June**
 27 **30, 2020).**

28 ~~(e)~~ **(g) An applicant may declare on the application form that the**
 29 **applicant will use the employee's permit only to perform volunteer**
 30 **service that benefits a nonprofit organization. It is unlawful for an**
 31 **applicant who makes a declaration under this subsection to use an**
 32 **employee's permit for any purpose other than to perform volunteer**
 33 **service that benefits a nonprofit organization.**

34 ~~(f)~~ **(h) The commission may not issue an employee's permit to an**
 35 **applicant while the applicant is serving a sentence for a conviction for**
 36 **operating while intoxicated, including any term of probation or parole.**

37 ~~(g)~~ **(i) The commission may not issue an employee's permit to an**
 38 **applicant who has two (2) unrelated convictions for operating while**
 39 **intoxicated if:**

40 (1) the first conviction occurred less than ten (10) years before the
 41 date of the applicant's application for the permit; and

42 (2) the applicant completed the sentence for the second



1 conviction, including any term of probation or parole, less than
 2 two (2) years before the date of the applicant's application for the
 3 permit.

4 ~~(h)~~ (j) If an applicant for an employee's permit has at least three (3)
 5 unrelated convictions for operating while intoxicated in the ten (10)
 6 years immediately preceding the date of the applicant's application for
 7 the permit, the commission may not grant the issuance of the permit.
 8 If, in the ten (10) years immediately preceding the date of the
 9 applicant's application the applicant has:

10 (1) one (1) conviction for operating while intoxicated, and the
 11 applicant is not subject to subsection ~~(f)~~; (h); or

12 (2) two (2) unrelated convictions for operating while intoxicated,
 13 and the applicant is not subject to subsection ~~(f)~~ or ~~(g)~~; (h) or (i);
 14 the commission may grant or deny the issuance of a permit.

15 ~~(i)~~ (k) Except as provided under section 9.5 of this chapter, the
 16 commission shall revoke a permit issued to an employee under this
 17 section if:

18 (1) the employee is convicted of a Class B misdemeanor for
 19 violating IC 7.1-5-10-15(a); or

20 (2) the employee is convicted of operating while intoxicated after
 21 the issuance of the permit.

22 The commission may revoke a permit issued to an employee under this
 23 section for any violation of this title or the rules adopted by the
 24 commission.

25 SECTION 20. IC 7.1-3-20-9.6, AS ADDED BY P.L.270-2017,
 26 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2018]: Sec. 9.6. (a) This section applies ~~only~~ to a restaurant
 28 that has a wine retailer's permit, **a two-way permit, or a three-way**
 29 **permit**, regardless of whether the permittee sells alcoholic beverages
 30 for carryout.

31 (b) **Except as provided in subsection (c)**, a restaurant that has a
 32 wine retailer's permit may allow a patron to remove one (1) unsealed
 33 bottle of wine for consumption off the licensed premises if the
 34 following requirements are satisfied:

35 (1) The patron consumed part of the bottle of wine on the
 36 restaurant premises with a ~~purchased~~ meal **prepared by the**
 37 **restaurant and purchased by the patron.**

38 (2) The permittee:

39 (A) reseals the bottle; and

40 (B) places the resealed bottle of wine in a bag or other
 41 container that is secured in such a manner that it is visibly
 42 apparent if the bag or other container is subsequently opened



1 or tampered with.

2 (3) The permittee provides to the patron a dated receipt for the

3 resealed bottle of wine and the meal.

4 **(c) A permittee does not have to comply with this section if the**

5 **patron is removing one (1) or more unsealed bottles of wine that**

6 **the patron brought into the licensed premises under IC 7.1-5-8-4.5.**

7 ~~(c)~~ (d) A person transporting a resealed wine bottle is transporting

8 an open container that is subject to IC 9-30-15-3.

9 SECTION 21. IC 7.1-3-20-13.6 IS AMENDED TO READ AS

10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13.6. (a) As used in this

11 section, "clubhouse" means a facility:

12 (1) that is located on a golf course; and

13 (2) where alcoholic beverages are sold under a retailer's permit or

14 a club permit issued by the commission.

15 (b) The holder of a retailer's permit or a club permit for the sale of

16 alcoholic beverages at a clubhouse may, under the same permit, sell

17 alcoholic ~~mat~~ beverages at a permanent, semipermanent, or portable

18 structure or cart that meets the following requirements:

19 (1) Is on the same golf course premises as the clubhouse.

20 (2) Is within reasonable proximity of the clubhouse.

21 (3) Provides minimum food service.

22 (4) Has a floor plan or design that meets the following

23 requirements:

24 (A) Is on file with the commission.

25 (B) Has been approved by the commission.

26 (c) All employees of a permittee described in subsection (b), who

27 are involved in the furnishing, supplying, conveying, selling or serving

28 of alcoholic beverages, shall have an employee's permit or bartender's

29 permit, as applicable.

30 SECTION 22. IC 7.1-3-20-16.1, AS AMENDED BY P.L.2-2007,

31 SECTION 131, IS AMENDED TO READ AS FOLLOWS

32 [EFFECTIVE JULY 1, 2018]: Sec. 16.1. (a) This section applies to a

33 municipal riverfront development project authorized under section

34 16(d) of this chapter.

35 (b) In order to qualify for a permit, an applicant must demonstrate

36 that the municipal riverfront development project area where the permit

37 is to be located meets the following criteria:

38 (1) The project boundaries must border on at least one (1) side of

39 a river.

40 (2) The proposed permit premises may not be located more than:

41 (A) one thousand five hundred (1,500) feet; or

42 (B) three (3) city blocks;



1 from the river, whichever is greater. However, if the area adjacent
 2 to the river is incapable of being developed because the area is in
 3 a floodplain, or for any other reason that prevents the area from
 4 being developed, the distances described in clauses (A) and (B)
 5 are measured from the city blocks located nearest to the river that
 6 are capable of being developed.

7 (3) The permit premises are located within:

8 (A) an economic development area, a redevelopment project
 9 area, an urban renewal area, or a redevelopment area
 10 established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;

11 (B) an economic development project district under
 12 IC 36-7-15.2 or IC 36-7-26; or

13 (C) a community revitalization enhancement district
 14 designated under IC 36-7-13-12.1.

15 (4) The project must be funded in part with state and city money.

16 (5) The boundaries of the municipal riverfront development
 17 project must be designated by ordinance or resolution by the
 18 legislative body (as defined in IC 36-1-2-9(3) or IC 36-1-2-9(4))
 19 of the city in which the project is located.

20 **(6) This subdivision applies only to a municipal riverfront**
 21 **development district project established after June 30, 2018.**
 22 **The river that is the location of the municipal riverfront**
 23 **development district project must meet the requirements set**
 24 **forth in section 16.4 of this chapter.**

25 (c) Proof of compliance with subsection (b) must consist of the
 26 following documentation, which is required at the time the permit
 27 application is filed with the commission:

28 (1) A detailed map showing:

29 (A) definite boundaries of the entire municipal riverfront
 30 development project; and

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

32 (2) A copy of the local ordinance or resolution of the local
 33 governing body authorizing the municipal riverfront development
 34 project.

35 (3) Detailed information concerning the expenditures of state and
 36 city funds on the municipal riverfront development project.

37 **(4) This subdivision applies only to a municipal riverfront**
 38 **development district project established after June 30, 2018.**
 39 **The report submitted to the city legislative body (as defined**
 40 **in IC 36-1-2-9(3) or IC 36-1-2-9(4)) under section 16.4(b) of**
 41 **this chapter.**

42 (d) Notwithstanding subsection (b), the commission may issue a



1 permit for premises, the location of which does not meet the criteria of
2 subsection (b)(2), if all the following requirements are met:

3 (1) All other requirements of this section and section 16(d) of this
4 chapter are satisfied.

5 (2) The proposed premises is located not more than:

6 (A) three thousand (3,000) feet; or

7 (B) six (6) blocks;

8 from the river, whichever is greater. However, if the area adjacent
9 to the river is incapable of being developed because the area is in
10 a floodplain, or for any other reason that prevents the area from
11 being developed, the distances described in clauses (A) and (B)
12 are measured from the city blocks located nearest to the river that
13 are capable of being developed.

14 (3) The permit applicant satisfies the criteria established by the
15 commission by rule adopted under IC 4-22-2. The criteria
16 established by the commission may require that the proposed
17 premises be located in an area or district set forth in subsection
18 (b)(3).

19 (4) The permit premises may not be located less than two hundred
20 (200) feet from facilities owned by a state educational institution.

21 (e) A permit may not be issued if the proposed permit premises is
22 the location of an existing three-way permit subject to IC 7.1-3-22-3.

23 SECTION 23. IC 7.1-3-20-16.4 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2018]: **Sec. 16.4. (a) "River" for purposes of**
26 **this title, means a natural or manmade watercourse or channel.**

27 **(b) A city may not establish a municipal riverfront development**
28 **district project under section 16.1 of this chapter unless the length**
29 **of the river within the city's corporate boundaries is navigable in**
30 **fact:**

31 **(1) by a boat having a draft of not less than three (3) feet; and**

32 **(2) on the date the city legislative body adopts the ordinance**
33 **or resolution that establishes the riverfront district.**

34 **The city shall have the river examined by a person with knowledge**
35 **and expertise regarding watercourses. The person shall submit a**
36 **written report to the city legislative body (as defined in**
37 **IC 36-1-2-9(3) or IC 36-1-2-9(4)) regarding the extent to which the**
38 **river is navigable in accordance with subdivision (1).**

39 **(c) A determination under this chapter that a river is navigable**
40 **in accordance with subsection (b)(1) affects only whether a**
41 **requirement for establishing a municipal riverfront development**
42 **district project is satisfied and does not:**



- 1 **(1) impose any duty upon the riparian landowner or tenant;**
 2 **(2) affect ownership of the bed of the river; or**
 3 **(3) affect a determination of the river's navigability for**
 4 **purposes other than establishing a riverfront development**
 5 **district under this title.**

6 SECTION 24. IC 7.1-3-20-17 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. ~~Service Bars:~~ (a)
 8 ~~An A retail~~ establishment which is licensed under the provisions of
 9 this article and which has a gross annual business of at least one
 10 hundred thousand dollars (\$100,000), of which at least fifty percent
 11 (50%) is in the retail sale of food, may have, subject to the approval of
 12 the commission, a service bar ~~which is not in full, free and~~
 13 ~~unobstructed view that can be viewed~~ from a street or public highway.

14 (b) ~~An A retail~~ establishment shall qualify as to the gross annual
 15 business provision **described in subsection (a)**, if the projection of the
 16 first ninety (90) days of business for the establishment for one (1) year
 17 equals, or is greater than, one hundred thousand dollars (\$100,000), in
 18 the proportions set forth in subsection (a), as shown by the books and
 19 records of the establishment.

20 (c) **An artisan distillery, a brewery described under**
 21 **IC 7.1-3-2-7(5), and a farm winery may operate a bar, as defined**
 22 **in 905 IAC 1-41-1, or a service bar, as defined in IC 7.1-1-3-42:**

23 **(1) indoors or outdoors; and**

24 **(2) that may be viewed from a street or public highway.**

25 SECTION 25. IC 7.1-3-20-22 IS REPEALED [EFFECTIVE JULY
 26 1, 2018]. Sec. 22. ~~Resort Hotels: Seasonal Permits: The commission~~
 27 ~~may grant a seasonal permit to a resort hotel upon the application of its~~
 28 ~~owner or manager if he possesses the same qualifications that are~~
 29 ~~required for the issuance of corresponding permits to other applicants:~~
 30 ~~The seasonal permit shall entitle the permittee to sell beer, liquor, or~~
 31 ~~wine; from the fifteenth day of April to the fifteenth day of October,~~
 32 ~~both dates inclusive.~~

33 SECTION 26. IC 7.1-3-22-9 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) This section
 35 applies to any permit that is subject to the quota provisions of this
 36 chapter unless ~~that the~~ permit is obtained by sale, assignment, or
 37 transfer under IC 7.1-3-24.

38 (b) Whenever a permit to which this chapter applies becomes
 39 available, the commission shall offer an opportunity to bid for that
 40 permit to all persons who are qualified to receive that permit and who
 41 have indicated a desire to obtain that permit. The commission shall
 42 receive bids at an auction that it conducts. The highest bidder at the



1 commission's auction who is qualified to receive the permit in all
2 respects, including a determination by the local board that the person:

3 **(1) is of good moral character and does not have a conviction**
4 **described in IC 7.1-3-4-2(a)(3); and**

5 **(2) is of good repute in the community in which that person**
6 **resides;**

7 is entitled to receive the permit. This bidder shall pay the amount of the
8 bid at the time the permit is issued as a special fee for initial issuance
9 of the permit.

10 (c) The special fee for initial issuance of a permit that is prescribed
11 by this section is in addition to any other fees imposed by this title.

12 (d) All fee revenues collected under this section are subject to
13 IC 7.1-4-7-4.

14 (e) The commission shall adopt rules under IC 4-22-2 to implement
15 this section.

16 SECTION 27. IC 7.1-3-23-44, AS ADDED BY P.L.80-2010,
17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2018]: Sec. 44. (a) As used in this section, "bureau" refers to
19 the child support bureau of the department of child services establish
20 by IC 31-25-3-1.

21 (b) As used in this section, "delinquent" has the meaning set forth
22 in IC 4-35-2-3.5.

23 (c) Upon receiving an order from the bureau (Title IV-D agency)
24 under IC 31-25-4-32(k), the commission shall send to the person who
25 is the subject of the order a notice that includes the following
26 information:

27 (1) The person is delinquent and subject to an order placing the
28 person on probationary status.

29 (2) That unless the person contacts the bureau and:

30 (A) pays the person's child support arrearage in full;

31 (B) establishes a payment plan with the bureau to pay the
32 arrearage, which includes an income withholding order under
33 IC 31-16-15-2 or IC 31-16-15-2.5; or

34 (C) requests a hearing under IC 31-25-4-33;

35 within twenty (20) days after the date the notice is mailed, the
36 commission shall place the person on probationary status with
37 respect to a permit issued to the person under IC 7.1-3-18-9(a)(3)

38 **(before July 1, 2020) or IC 7.1-3-18-9(b)(4) (after June 30,**
39 **2020).**

40 (3) The person may contest the bureau's determination that the
41 person is delinquent and subject to an order placing the person on
42 probationary status by making written application to the bureau



1 within twenty (20) days after the date the notice is mailed.

2 (4) The only basis for contesting the bureau's determination that
3 the person is delinquent and subject to an order placing the person
4 on probationary status is a mistake of fact.

5 (5) The procedures to:

6 (A) pay the person's child support arrearage in full;

7 (B) establish a payment plan with the bureau to pay the
8 arrearage, which includes an income withholding order under
9 IC 31-16-15-2 or IC 31-16-15-2.5; and

10 (C) request a hearing under IC 31-25-4-33.

11 (6) The probation will end ten (10) business days after the date
12 that the commission receives a notice from the bureau that the
13 person has:

14 (A) paid the person's child support arrearage in full; or

15 (B) established a payment plan with the bureau to pay the
16 arrearage, which includes an income withholding order under
17 IC 31-16-15-2 or IC 31-16-15-2.5.

18 (d) If the commission is advised by the bureau that the obligor either
19 requested a hearing and failed to appear or appeared and was found to
20 be delinquent, the commission shall send to the person who is the
21 subject of the order a notice that states the following:

22 (1) That a permit issued to the person under IC 7.1-3-18-9(a)(3)
23 **(before July 1, 2020) or IC 7.1-3-18-9(b)(4) (after June 30,**
24 **2020)** has been placed on probationary status, beginning five (5)
25 business days after the date the notice is mailed, and that the
26 probation will end ten (10) business days after the date that the
27 commission receives a notice from the bureau that the person has:

28 (A) paid the person's child support arrearage in full; or

29 (B) established a payment plan with the bureau to pay the
30 arrearage, which includes an income withholding order under
31 IC 31-16-15-2 or IC 31-16-15-2.5.

32 (2) That if the commission is advised by the bureau that the
33 person whose permit has been placed on probationary status has
34 failed to:

35 (A) pay the person's child support arrearage in full; or

36 (B) establish a payment plan with the bureau to pay the
37 arrearage, which includes an income withholding order under
38 IC 31-16-15-2 or IC 31-16-15-2.5;

39 within twenty (20) days after the date the notice is mailed, the
40 commission shall suspend the person's permit.

41 (e) If a person whose permit has been placed on probationary status
42 fails to:



- 1 (1) pay the person's child support arrearage in full; or
 2 (2) establish a payment plan with the bureau to pay the arrearage,
 3 which includes an income withholding order under IC 31-16-15-2
 4 or IC 31-16-15-2.5;

5 within twenty (20) days after the notice required under subsection (c)
 6 is mailed, the commission shall suspend the person's permit.

7 (f) The commission may not reinstate a permit placed on probation
 8 or suspended under this section until the commission receives a notice
 9 from the bureau that the person has:

- 10 (1) paid the person's child support arrearage in full; or
 11 (2) established a payment plan with the bureau to pay the
 12 arrearage, which includes an income withholding order under
 13 IC 31-16-15-2 or IC 31-16-15-2.5.

14 SECTION 28. IC 7.1-3-27-6, AS AMENDED BY P.L.79-2015,
 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 6. (a) A holder of an artisan distiller's permit may
 17 also hold **only** one (1) of the following:

- 18 (1) A farm winery permit.
 19 (2) A brewer's permit issued under IC 7.1-3-2-2(b).
 20 (3) A distiller's permit under IC 7.1-3-7.

21 (b) A holder of an artisan distiller's permit who also holds a permit
 22 described under subsection (a)(2) may hold a beer retailer's permit, a
 23 wine retailer's permit, or a liquor retailer's permit for a restaurant as
 24 described in IC 7.1-3-2-7(5)(C).

25 SECTION 29. IC 7.1-3-27-8.5 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2018]: **Sec. 8.5. (a) This section applies if:**

- 28 **(1) the holder of an artisan distillery permit also holds:**
 29 **(A) a farm winery permit; or**
 30 **(B) a brewer's permit under IC 7.1-3-2-7(5); and**
 31 **(2) the artisan distillery and the holder's other production**
 32 **facility occupy the same building.**

33 **(b) Notwithstanding any other provision, a person who holds**
 34 **two (2) permits may sell for consumption on the premises all**
 35 **alcoholic beverages:**

- 36 **(1) manufactured at the holder's two (2) production facilities;**
 37 **and**
 38 **(2) from a single service bar.**

39 **The commission may not require any physical separation at the**
 40 **service bar between the service of alcoholic beverages**
 41 **manufactured by one (1) production facility and the service of**
 42 **alcoholic beverages manufactured by the permit holder's other**



1 **production facility.**

2 **(c) This section does not exempt a permit holder from**
 3 **complying with permit restrictions affecting the sales and service**
 4 **of only one (1) of the alcoholic beverages manufactured by the**
 5 **permit holder.**

6 SECTION 30. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]:

9 **Chapter 28. College Stadiums**

10 **Sec. 1. As used in this chapter, "stadium" means an**
 11 **intercollegiate stadium that has a permanent seating capacity of at**
 12 **least seventy thousand (70,000) people.**

13 **Sec. 2. (a) A stadium may:**

- 14 **(1) submit a floor plan of proposed storage locations to the**
 15 **commission for approval; and**
 16 **(2) indicate the primary concessionaire operating at the**
 17 **stadium;**

18 **if the stadium intends to allow alcoholic beverages to be stored at**
 19 **the stadium for use by a retailer permittee or supplemental caterer**
 20 **operating at the stadium.**

21 **(b) The stadium may change the primary concessionaire**
 22 **operating at the stadium with notification to the commission.**

23 **Sec. 3. A retailer permittee or a holder of a supplemental**
 24 **caterer's permit that operates at a stadium may purchase alcoholic**
 25 **beverages from a wholesaler or a brewery described in**
 26 **IC 7.1-3-2-7(5) and the wholesaler or brewery described in**
 27 **IC 7.1-3-2-7(5) may deliver the alcoholic beverages to the stadium**
 28 **to be stored in an area that has been approved by the commission.**
 29 **The alcoholic beverages may be stored temporarily or permanently**
 30 **to be served later by a retailer permittee or a holder of a**
 31 **supplemental caterer's permit.**

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

34 SECTION 31. IC 7.1-4-4.1-9, AS AMENDED BY P.L.214-2016,
 35 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2018]: Sec. 9. (a) This section applies to the following
 37 biennial permits:

- 38 **(1) Beer retailer's permit.**
 39 **(2) Liquor retailer's permit.**
 40 **(3) Wine retailer's permit.**
 41 **(4) One-way permit.**
 42 **(5) Two-way permit.**



- 1 (6) Three-way permit.
- 2 (7) Airplane beer permit.
- 3 (8) Airplane liquor permit.
- 4 (9) Airplane wine permit.
- 5 (10) Boat beer permit.
- 6 (11) Boat liquor permit.
- 7 (12) Boat wine permit.
- 8 (13) Dining car beer permit.
- 9 (14) Dining car liquor permit.
- 10 (15) Dining car wine permit.
- 11 ~~(16) Hotel seasonal permit.~~
- 12 (b) The commission shall charge a single fee for the issuance of any
- 13 combination of retailer's permits issued for the same location or
- 14 conveyance.
- 15 (c) Except as provided in subsection (d), an annual permit fee in the
- 16 following amount is imposed on a retailer:
- 17 (1) Five hundred dollars (\$500), if the retailer serves only beer or
- 18 only wine.
- 19 (2) Seven hundred fifty dollars (\$750), if the retailer serves both
- 20 beer and wine but no liquor.
- 21 (3) One thousand dollars (\$1,000), if the retailer serves beer,
- 22 wine, and liquor.
- 23 (d) An annual permit fee for a three-way permit issued to a state
- 24 park under IC 7.1-3-17.8-1 is two hundred fifty dollars (\$250).
- 25 SECTION 32. IC 7.1-4-4.1-12, AS AMENDED BY P.L.224-2005,
- 26 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2018]: Sec. 12. (a) This section applies to the following
- 28 biennial permits:
- 29 (1) Beer dealer's permit.
- 30 (2) Liquor dealer's permit.
- 31 ~~(3) Malt dealer's permit.~~
- 32 ~~(4)~~ (3) Wine dealer's permit.
- 33 (b) The commission shall charge a single fee for the issuance of any
- 34 combination of dealers' permits issued for the same location. The fee
- 35 is equal to the sum of the amount determined under subsection (c).
- 36 (c) An annual permit fee in the following amount is imposed on a
- 37 dealer:
- 38 (1) Five hundred dollars (\$500), if the dealer sells only beer, only
- 39 liquor, or only wine.
- 40 (2) Seven hundred fifty dollars (\$750), if the dealer sells:
- 41 (A) both beer and wine but no liquor;
- 42 (B) both wine and liquor but no beer; or



1 (C) both beer and liquor but no wine.

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

4 SECTION 33. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006,
5 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2018]: Sec. 13. (a) This section applies to the following
7 permits:

8 (1) Beer wholesaler's permit.

9 ~~(2) Malt wholesaler's permit.~~

10 ~~(3) (2) Liquor wholesaler's permit.~~

11 ~~(4) (3) Wine wholesaler's permit.~~

12 (b) Except as provided in subsection (c), a permit fee of two
13 thousand dollars (\$2,000) is annually imposed for the issuance of each
14 of the permits described in subsection (a).

15 (c) A permit fee of one hundred dollars (\$100) is annually imposed
16 for the issuance of a wine wholesaler's permit to a permit applicant
17 who:

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

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

25 SECTION 34. IC 7.1-4-4.1-14, AS AMENDED BY P.L.79-2015,
26 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2018]: Sec. 14. (a) This section applies to the following
28 permits:

29 (1) Brewer's permit for the manufacture of more than ninety
30 thousand (90,000) barrels of beer in a calendar year for sale or
31 distribution within Indiana.

32 (2) Distiller's permit.

33 ~~(3) Malt manufacturer's permit.~~

34 ~~(4) (3) Rectifier's permit.~~

35 ~~(5) (4) Vintner's permit.~~

36 ~~(6) (5) Wine bottler's permit.~~

37 (b) A permit fee of two thousand dollars (\$2,000) is annually
38 imposed for the issuance of each permit described in subsection (a).

39 SECTION 35. IC 7.1-4-5 IS REPEALED [EFFECTIVE JULY 1,
40 2018]. (Malt Excise Tax).

41 SECTION 36. IC 7.1-4-7-5 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. The department shall



- 1 deposit:
- 2 (1) four cents (\$0.04) of the beer excise tax rate collected on each
- 3 gallon of beer or flavored malt beverage;
- 4 (2) one dollar (\$1) of the liquor excise tax rate collected on each
- 5 gallon of liquor;
- 6 (3) twenty cents (\$0.20) of the wine excise tax rate collected on
- 7 each gallon of wine; **and**
- 8 ~~(4) the entire amount of malt excise tax collected; and~~
- 9 ~~(5) (4) the entire amount of hard cider excise tax collected;~~
- 10 daily with the treasurer of state and not later than the fifth day of the
- 11 following month shall cover them into the general fund of the state for
- 12 distribution as provided in this chapter.
- 13 SECTION 37. IC 7.1-5-6-3, AS AMENDED BY P.L.159-2014,
- 14 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2018]: Sec. 3. (a) It is unlawful for a person to act as a clerk
- 16 in a package liquor store, or as a bartender, waiter, waitress, or
- 17 manager for a retailer permittee unless that person has applied for and
- 18 been issued the appropriate permit. This section does not apply to
- 19 dining car or boat employees or to a person described in
- 20 ~~IC 7.1-3-18-9(d).~~ **IC 7.1-3-18-9(f).** A person who knowingly or
- 21 intentionally violates this subsection commits a Class B misdemeanor.
- 22 **This subsection expires July 1, 2020.**
- 23 **(b) This subsection takes effect after June 30, 2020. It is**
- 24 **unlawful for a person to act as:**
- 25 **(1) a sales clerk who:**
- 26 **(A) checks out a sale of alcoholic beverages; or**
- 27 **(B) assists customers in checking out a sale of alcoholic**
- 28 **beverages at a self-automated checkout stand;**
- 29 **for a dealer permittee; or**
- 30 **(2) a bartender, waiter, waitress, or manager for a retailer**
- 31 **permittee;**
- 32 **unless that person has applied for and been issued an employee's**
- 33 **permit. This section does not apply to dining car or boat employees**
- 34 **or to a person described in IC 7.1-3-18-9(f). A person who**
- 35 **knowingly or intentionally violates this subsection commits a Class**
- 36 **B misdemeanor.**
- 37 ~~(b)~~ **(c)** It is a defense to a charge under this section if, not later than
- 38 thirty (30) days after being cited by the commission, the person who
- 39 was cited produces evidence that the ~~appropriate~~ **employee's** permit
- 40 was issued by the commission on the date of the citation.
- 41 ~~(c)~~ **(d)** It is a defense to a charge under this section for a new
- 42 applicant for a permit if, not later than thirty (30) days after being cited



1 by the commission, the new applicant who was cited produces a receipt
 2 for a cashier's check or money order showing that an application for the
 3 **appropriate employee's** permit was applied for on the date of the
 4 citation.

5 SECTION 38. IC 7.1-5-7-13, AS AMENDED BY P.L.270-2017,
 6 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2018]: Sec. 13. (a) Section 12 of this chapter does not prohibit
 8 the following:

9 (1) The employment of a person at least eighteen (18) years of age
 10 but less than twenty-one (21) years of age on or about licensed
 11 premises where alcoholic beverages are sold, furnished, or given
 12 away for consumption either on or off the licensed premises, for
 13 a purpose other than:

- 14 (A) selling;
- 15 (B) furnishing, other than serving;
- 16 (C) consuming; or
- 17 (D) otherwise dealing in;

18 alcoholic beverages.

19 (2) A person at least nineteen (19) years of age but less than
 20 twenty-one (21) years of age from ringing up a sale of alcoholic
 21 beverages in the course of the person's employment. **After June**
 22 **30, 2020, this subdivision applies only to a person employed by**
 23 **a retailer permittee.**

24 (3) A person who is at least nineteen (19) years of age but less
 25 than twenty-one (21) years of age and who has successfully
 26 completed an alcohol server training program certified under
 27 IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or
 28 family room of a restaurant or hotel:

- 29 (A) in the course of a person's employment as a waiter,
 30 waitress, or server; and
- 31 (B) under the supervision of a person who:
 - 32 (i) is at least twenty-one (21) years of age;
 - 33 (ii) is present at the restaurant or hotel; and
 - 34 (iii) has successfully completed an alcohol server training
 35 program certified under IC 7.1-3-1.5 by the commission.

36 This subdivision does not allow a person at least nineteen (19)
 37 years of age but less than twenty-one (21) years of age to be a
 38 bartender.

39 (4) The employment of a person at least eighteen (18) years of age
 40 but less than twenty-one (21) years of age on or about licensed
 41 premises where alcoholic beverages are sold, furnished, or given
 42 away for consumption either on or off the licensed premises if all



- 1 the following apply:
- 2 (A) The person is employed as an assistant on a delivery truck.
- 3 (B) The person's duties with respect to alcoholic beverages are
- 4 limited to handling alcoholic beverages in connection with the
- 5 loading, unloading, stowing, or storing of alcoholic beverages
- 6 that are being delivered or picked up.
- 7 (C) The person does not sell, furnish, or deal in alcoholic
- 8 beverages in any manner except as expressly permitted under
- 9 clause (B).
- 10 (D) The person acts under the supervision of a driver holding
- 11 a salesman's permit.
- 12 (E) The person does not collect money for the delivery or pick
- 13 up.
- 14 (b) This chapter does not prohibit a person less than twenty-one (21)
- 15 years of age from being on the premises of a brewery under
- 16 IC 7.1-3-2-7(5), a farm winery, including any additional locations of
- 17 the farm winery under IC 7.1-3-12-5, or an artisan distillery under
- 18 IC 7.1-3-27-5, if the person is:
- 19 (1) the child, stepchild, grandchild, nephew, or niece of an owner
- 20 of the:
- 21 (A) brewery;
- 22 (B) farm winery; or
- 23 (C) artisan distiller; and
- 24 (2) employed on the premises for a purpose other than:
- 25 (A) selling;
- 26 (B) furnishing, other than serving;
- 27 (C) consuming; or
- 28 (D) otherwise dealing in;
- 29 alcoholic beverages.
- 30 A minor described in this subsection is not required to be accompanied
- 31 by a parent, legal guardian or custodian, or family member who is at
- 32 least twenty-one (21) years of age while on the premises of the brewery
- 33 or farm winery.
- 34 SECTION 39. IC 7.1-5-8-4, AS AMENDED BY P.L.153-2015,
- 35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2018]: Sec. 4. (a) It is a Class B misdemeanor for a person
- 37 who owns or operates a private or public restaurant or place of public
- 38 or private entertainment to knowingly or intentionally permit another
- 39 person to come into the establishment with an alcoholic beverage for
- 40 sale or gift, or for consumption in the establishment by that person or
- 41 another, or to serve a setup to a person who comes into the
- 42 establishment. However, the provisions of this section do not apply to



- 1 the following:
- 2 (1) A private room hired by a guest of a bona fide club or hotel
- 3 that holds a retail permit.
- 4 (2) A facility that is used in connection with the operation of a
- 5 paved track that is used primarily in the sport of auto racing.
- 6 (3) An outdoor place of public entertainment that:
- 7 (A) has an area of at least four (4) acres and not more than six
- 8 (6) acres;
- 9 (B) is located within one (1) mile of the White River;
- 10 (C) is owned and operated by a nonprofit corporation exempt
- 11 from federal income taxation under Section 501(c)(3) of the
- 12 Internal Revenue Code; and
- 13 (D) is used primarily in connection with live music concerts.
- 14 (b) An establishment operated in violation of this section is declared
- 15 to be a public nuisance and subject to abatement as other public
- 16 nuisances are abated under the provisions of this title.
- 17 (c) This section does not apply to a person who owns or operates a
- 18 private or public restaurant or place of public or private entertainment
- 19 where a qualified organization is conducting:
- 20 (1) an allowable event to which IC 7.1-3-6.1 applies, and the
- 21 alcoholic beverage brought into the establishment is:
- 22 (A) in sealed bottles or cases; and
- 23 (B) donated to or purchased by the qualified organization to be
- 24 offered as a prize in the allowable event; or
- 25 (2) a charity auction to which IC 7.1-3-6.2 applies, and the
- 26 alcoholic beverage brought into the establishment is:
- 27 (A) in sealed bottles or cases; and
- 28 (B) donated to or purchased by the qualified organization to be
- 29 offered for sale in the charity auction.
- 30 **(d) This section does not apply to a retailer permittee under**
- 31 **section 4.5 of this chapter.**
- 32 SECTION 40. IC 7.1-5-8-4.5 IS ADDED TO THE INDIANA
- 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2018]: **Sec. 4.5. (a) This section applies only**
- 35 **to a holder of a wine retailer permit, two-way permit, or three-way**
- 36 **permit.**
- 37 **(b) A permittee may allow a patron to bring wine into the**
- 38 **licensed premises, if the wine is:**
- 39 **(1) in sealed bottles and not offered for sale; and**
- 40 **(2) only for consumption by:**
- 41 **(A) the patron; and**
- 42 **(B) persons seated at the patron's table;**



1 while eating a meal prepared on the licensed premises and
 2 served at the table.

3 **The permit holder may charge a corkage fee for serving wine that**
 4 **is brought into the licensed premises by a patron.**

5 SECTION 41. IC 7.1-5-8-5, AS AMENDED BY P.L.94-2008,
 6 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2018]: Sec. 5. (a) This section does not apply to a person who,
 8 on or about a licensed premises, carries, conveys, or consumes beer or
 9 wine:

10 (1) described in IC 7.1-1-2-3(a)(4); and

11 (2) not sold or offered for sale.

12 (b) This section does not apply to a person at a facility that is used
 13 in connection with the operation of a track that is used primarily in the
 14 sport of auto racing.

15 (c) This section does not apply to a person at an outdoor place of
 16 public entertainment that:

17 (1) has an area of at least four (4) acres and not more than six (6)
 18 acres;

19 (2) is located within one (1) mile of the White River;

20 (3) is owned and operated by a nonprofit corporation exempt from
 21 federal income taxation under Section 501(c)(3) of the Internal
 22 Revenue Code; and

23 (4) is used primarily in connection with live music concerts.

24 **(d) This section does not apply to a person who brings wine into**
 25 **the licensed premises or consumes wine that is brought into the**
 26 **licensed premises in accordance with section 4.5 of this chapter.**

27 ~~(d)~~ (e) It is a Class C misdemeanor for a person, for the person's
 28 own use, to knowingly carry on, convey to, or consume on or about the
 29 licensed premises of a permittee an alcoholic beverage that was not
 30 then and there purchased from that permittee.

31 SECTION 42. IC 7.1-5-10-12, AS AMENDED BY P.L.234-2017,
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2018]: Sec. 12. (a) Except as provided in subsections (b)
 34 through (d) and subsection (f), it is unlawful for a permittee to sell,
 35 offer to sell, purchase or receive, an alcoholic beverage for anything
 36 other than cash. A permittee who extends credit in violation of this
 37 section shall have no right of action on the claim.

38 (b) A permittee may credit to a purchaser the actual price charged
 39 for a package or an original container returned by the original
 40 purchaser as a credit on a sale and refund to a purchaser the amount
 41 paid by the purchaser for a container, or as a deposit on a container, if
 42 it is returned to the permittee.



1 (c) A manufacturer may extend usual and customary credit for
 2 alcoholic beverages sold to a customer who maintains a place of
 3 business outside this state when the alcoholic beverages are actually
 4 shipped to a point outside this state.

5 (d) An artisan distiller, a distiller, or a liquor or wine wholesaler
 6 may extend credit on liquor, flavored malt beverages, and wine sold to
 7 a permittee for a period of fifteen (15) days from the date of invoice,
 8 date of invoice included. However, if the fifteen (15) day period passes
 9 without payment in full, the wholesaler shall sell to that permittee on
 10 a cash on delivery basis only.

11 (e) A person who knowingly or intentionally violates this section
 12 commits a Class B misdemeanor.

13 (f) Nothing in this section may be construed to prohibit a retailer or
 14 dealer from **doing the following**:

15 (1) **Except as provided in subsection (g)**, extending credit to a
 16 consumer purchasing alcohol for personal use at any time as long
 17 as any amount owed to the retailer or dealer by a consumer for
 18 alcohol is paid in full before the consumer leaves the permittee's
 19 premises. ~~or~~

20 (2) Accepting a:

21 (A) credit card;

22 (B) debit card;

23 (C) charge card; or

24 (D) stored value card;

25 from a consumer purchasing alcohol for personal use.

26 **(g) A holder of a retailer's permit for a social club or fraternal
 27 club may extend credit at any time to a consumer who:**

28 **(1) is a member of the club; and**

29 **(2) purchases alcohol for personal use.**

30 **The consumer does not have to pay any amount owed by the
 31 consumer to the retailer permittee before the consumer leaves the
 32 permittee's premises.**

33 SECTION 43. IC 7.1-5-10-26 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2018]: **Sec. 26. (a) This section does not apply
 36 to:**

37 **(1) a grocery store that is generally known as a convenience
 38 store or food mart that is engaged in the retail sale of
 39 automotive fuels as described in IC 7.1-1-3-18.5(a)(2)(B); and**

40 **(2) a package liquor store.**

41 **(b) This section applies after January 1, 2019.**

42 **(c) The holder of a dealer's permit shall display all alcoholic**



1 beverages in one (1) designated area of the licensed premises,
 2 which may include end of aisle displays. However, the commission
 3 may not require a permit holder to construct or install a partition,
 4 wall, or other barrier to separate the designated area from the
 5 other retail areas of the premises.

6 SECTION 44. IC 31-16-12-13, AS ADDED BY P.L.80-2010,
 7 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2018]: Sec. 13. If a court finds that a person who holds or has
 9 applied for an employee's permit issued under IC 7.1-3-18-9(a)(3)
 10 (before July 1, 2020) or IC 7.1-3-18-9(b)(4) (after June 30, 2020) is
 11 delinquent (as defined in IC 31-25-4-2) as a result of an intentional
 12 violation of an order for child support, the court shall issue an order to
 13 the alcohol and tobacco commission that:

- 14 (1) requires the person's employee's permit be suspended until
 15 further order of the court;
 16 (2) orders the chairman of the alcohol and tobacco commission
 17 not to issue an employee's permit to the person who is the subject
 18 of the order if the person does not currently hold an employee's
 19 permit; or
 20 (3) orders the chairman of the alcohol and tobacco commission
 21 not to renew the employee's permit of the person who is the
 22 subject of the order.

23 SECTION 45. IC 31-25-4-32, AS AMENDED BY P.L.80-2010,
 24 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2018]: Sec. 32. (a) When the Title IV-D agency finds that an
 26 obligor is delinquent, the Title IV-D agency shall send, to a verified
 27 address, a notice to the obligor that does the following:

- 28 (1) Specifies that the obligor is delinquent.
 29 (2) Describes the amount of child support that the obligor is in
 30 arrears.
 31 (3) States that unless the obligor:
 32 (A) pays the obligor's child support arrearage in full;
 33 (B) establishes a payment plan with the Title IV-D agency to
 34 pay the arrearage, which includes an income withholding
 35 order; or
 36 (C) requests a hearing under section 33 of this chapter;
 37 within twenty (20) days after the date the notice is mailed, the
 38 Title IV-D agency shall issue an order to the bureau of motor
 39 vehicles stating that the obligor is delinquent and that the
 40 obligor's driving privileges shall be suspended.
 41 (4) Explains that the obligor has twenty (20) days after the notice
 42 is mailed to do one (1) of the following:



- 1 (A) Pay the obligor's child support arrearage in full.
 2 (B) Establish a payment plan with the Title IV-D agency to
 3 pay the arrearage, which includes an income withholding order
 4 under IC 31-16-15-2 or IC 31-16-15-2.5.
 5 (C) Request a hearing under section 33 of this chapter.
 6 (5) Explains that if the obligor has not satisfied any of the
 7 requirements of subdivision (4) within twenty (20) days after the
 8 notice is mailed, that the Title IV-D agency shall issue a notice to:
 9 (A) the board or department that regulates the obligor's
 10 profession or occupation, if any, that the obligor is delinquent
 11 and that the obligor may be subject to sanctions under
 12 IC 25-1-1.2, including suspension or revocation of the
 13 obligor's professional or occupational license;
 14 (B) the supreme court disciplinary commission if the obligor
 15 is licensed to practice law;
 16 (C) the department of education established by IC 20-19-3-1
 17 if the obligor is a licensed teacher;
 18 (D) the Indiana horse racing commission if the obligor holds
 19 or applies for a license issued under IC 4-31-6;
 20 (E) the Indiana gaming commission if the obligor holds or
 21 applies for a license issued under IC 4-33 and IC 4-35;
 22 (F) the commissioner of the department of insurance if the
 23 obligor holds or is an applicant for a license issued under
 24 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3;
 25 (G) the director of the department of natural resources if the
 26 obligor holds or is an applicant for a license issued by the
 27 department of natural resources under:
 28 (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
 29 (ii) IC 14-22-14 (Lake Michigan commercial fishing
 30 license);
 31 (iii) IC 14-22-16 (bait dealer's license);
 32 (iv) IC 14-22-17 (mussel license);
 33 (v) IC 14-22-19 (fur buyer's license);
 34 (vi) IC 14-24-7 (nursery dealer's license); or
 35 (vii) IC 14-31-3 (ginseng dealer's license); or
 36 (H) the alcohol and tobacco commission if the obligor holds or
 37 applies for an employee's permit under IC 7.1-3-18-9(a)(3)
 38 **(before July 1, 2020) or IC 7.1-3-18-9(b)(4) (after June 30,**
 39 **2020).**
 40 (6) Explains that the only basis for contesting the issuance of an
 41 order under subdivision (3) or (5) is a mistake of fact.
 42 (7) Explains that an obligor may contest the Title IV-D agency's



- 1 determination to issue an order under subdivision (3) or (5) by
 2 making written application to the Title IV-D agency within twenty
 3 (20) days after the date the notice is mailed.
- 4 (8) Explains the procedures to:
- 5 (A) pay the obligor's child support arrearage in full; and
 6 (B) establish a payment plan with the Title IV-D agency to pay
 7 the arrearage, which must include an income withholding
 8 order under IC 31-16-15-2 or IC 31-16-15-2.5.
- 9 (b) Whenever the Title IV-D agency finds that an obligor is
 10 delinquent and has failed to:
- 11 (1) pay the obligor's child support arrearage in full;
 12 (2) establish a payment plan with the Title IV-D agency to pay the
 13 arrearage, which includes an income withholding order under
 14 IC 31-16-15-2 or IC 31-16-15-2.5; or
 15 (3) request a hearing under section 33 of this chapter within
 16 twenty (20) days after the date the notice described in subsection
 17 (a) is mailed;
- 18 the Title IV-D agency shall issue an order to the bureau of motor
 19 vehicles stating that the obligor is delinquent.
- 20 (c) An order issued under subsection (b) must require the following:
- 21 (1) If the obligor who is the subject of the order holds a driving
 22 license or permit on the date the order is issued, that the driving
 23 privileges of the obligor be suspended until further order of the
 24 Title IV-D agency.
 25 (2) If the obligor who is the subject of the order does not hold a
 26 driving license or permit on the date the order is issued, that the
 27 bureau of motor vehicles may not issue a driving license or permit
 28 to the obligor until the bureau of motor vehicles receives a further
 29 order from the Title IV-D agency.
- 30 (d) The Title IV-D agency shall provide the:
- 31 (1) full name;
 32 (2) date of birth;
 33 (3) verified address; and
 34 (4) Social Security number or driving license number;
 35 of the obligor to the bureau of motor vehicles.
- 36 (e) Whenever the Title IV-D agency finds that an obligor who is an
 37 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
 38 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
 39 to:
- 40 (1) pay the obligor's child support arrearage in full;
 41 (2) establish a payment plan with the Title IV-D agency to pay the
 42 arrearage, which includes an income withholding order under



- 1 IC 31-16-15-2 or IC 31-16-15-2.5; or
 2 (3) request a hearing under section 33 of this chapter;
 3 the Title IV-D agency shall issue an order to the board regulating the
 4 practice of the obligor's profession or occupation stating that the
 5 obligor is delinquent.
- 6 (f) An order issued under subsection (e) must direct the board or
 7 department regulating the obligor's profession or occupation to impose
 8 the appropriate sanctions described under IC 25-1-1.2.
- 9 (g) Whenever the Title IV-D agency finds that an obligor who is an
 10 attorney or a licensed teacher is delinquent and the attorney or licensed
 11 teacher has failed to:
 12 (1) pay the obligor's child support arrearage in full;
 13 (2) establish a payment plan with the Title IV-D agency to pay the
 14 arrearage, which includes an income withholding order under
 15 IC 31-16-15-2 or IC 31-16-15-2.5; or
 16 (3) request a hearing under section 33 of this chapter;
 17 the Title IV-D agency shall notify the supreme court disciplinary
 18 commission if the obligor is an attorney, or the department of education
 19 if the obligor is a licensed teacher, that the obligor is delinquent.
- 20 (h) Whenever the Title IV-D agency finds that an obligor who holds
 21 a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:
 22 (1) pay the obligor's child support arrearage in full;
 23 (2) establish a payment plan with the Title IV-D agency to pay the
 24 arrearage, which includes an income withholding order under
 25 IC 31-16-15-2 or IC 31-16-15-2.5; or
 26 (3) request a hearing under section 33 of this chapter;
 27 the Title IV-D agency shall issue an order to the Indiana horse racing
 28 commission if the obligor holds a license issued under IC 4-31-6, or to
 29 the Indiana gaming commission if the obligor holds a license issued
 30 under IC 4-33 or IC 4-35, stating that the obligor is delinquent and
 31 directing the commission to impose the appropriate sanctions described
 32 in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.
- 33 (i) Whenever the Title IV-D agency finds that an obligor who holds
 34 a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
 35 failed to:
 36 (1) pay the obligor's child support arrearage in full;
 37 (2) establish a payment plan with the Title IV-D agency to pay the
 38 arrearage, which includes an income withholding order under
 39 IC 31-16-15-2 or IC 31-16-15-2.5; or
 40 (3) request a hearing under section 33 of this chapter;
 41 the Title IV-D agency shall issue an order to the commissioner of the
 42 department of insurance stating that the obligor is delinquent and



1 directing the commissioner to impose the appropriate sanctions
2 described in IC 27-1-15.6-29 or IC 27-10-3-20.

3 (j) Whenever the Title IV-D agency finds that an obligor who holds
4 a license issued by the department of natural resources under
5 IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19,
6 IC 14-24-7, or IC 14-31-3 has failed to:

7 (1) pay the obligor's child support arrearage in full;

8 (2) establish a payment plan with the Title IV-D agency to pay the
9 arrearage, which includes an income withholding order under
10 IC 31-16-15-2 or IC 31-16-15-2.5; or

11 (3) request a hearing under section 33 of this chapter;

12 the Title IV-D agency shall issue an order to the director of the
13 department of natural resources stating that the obligor is delinquent
14 and directing the director to suspend or revoke a license issued to the
15 obligor by the department of natural resources as provided in
16 IC 14-11-3.

17 (k) If the Title IV-D agency finds that an obligor who holds an
18 employee's permit issued under IC 7.1-3-18-9(a)(3) **(before July 1,**
19 **2020) or IC 7.1-3-18-9(b)(4) (after June 30, 2020)** has failed to:

20 (1) pay the obligor's child support arrearage in full;

21 (2) establish a payment plan with the Title IV-D agency to pay the
22 arrearage, which includes an income withholding order under
23 IC 31-16-15-2 or IC 31-16-15-2.5; or

24 (3) request a hearing under section 33 of this chapter;

25 the Title IV-D agency shall issue an order to the alcohol and tobacco
26 commission stating that the obligor is delinquent and directing the
27 alcohol and tobacco commission to impose the appropriate sanctions
28 under IC 7.1-3-23-44.

29 (l) A person's most recent address on file with the bureau constitutes
30 a verified address for purposes of this section.

31 SECTION 46. IC 31-25-4-34, AS AMENDED BY P.L.80-2010,
32 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2018]: Sec. 34. (a) As used in this section, "board" has the
34 meaning set forth in IC 25-1-1.2-2.

35 (b) If an obligor holds a license issued by a board and requests a
36 hearing under section 33 of this chapter but fails to appear or appears
37 and is found to be delinquent, the Title IV-D agency shall issue an
38 order to the board that issued the obligor's license:

39 (1) stating that the obligor is delinquent; and

40 (2) requiring the board to comply with the actions required under
41 IC 25-1-1.2-8(b).

42 (c) If an obligor holds a license issued under IC 4-31-6, IC 4-33, or



1 IC 4-35 and requests a hearing under section 33 of this chapter but fails
 2 to appear or appears and is found to be delinquent, the Title IV-D
 3 agency shall issue an order to the:

- 4 (1) Indiana horse racing commission, if the obligor holds a license
 5 issued under IC 4-31-6; or
 6 (2) Indiana gaming commission, if the obligor holds a license
 7 issued under IC 4-33 or IC 4-35;

8 stating that the obligor is delinquent and requiring the commission to
 9 comply with the actions required under IC 4-31-6-11, IC 4-33-8.5-3, or
 10 IC 4-35-6.7-2.

11 (d) If an obligor holds a license issued under IC 27-1-15.6,
 12 IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of
 13 this chapter but fails to appear or appears and is found to be delinquent,
 14 the Title IV-D agency shall issue an order to the commissioner of the
 15 department of insurance:

- 16 (1) stating that the obligor is delinquent; and
 17 (2) requiring the commissioner to comply with the actions
 18 required under IC 27-1-15.6-29 or IC 27-10-3-20.

19 (e) If an obligor holds a license issued by the department of natural
 20 resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17,
 21 IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under
 22 section 33 of this chapter but fails to appear, or appears and is found to
 23 be delinquent, the Title IV-D agency shall issue an order to the director
 24 of the department of natural resources:

- 25 (1) stating that the obligor is delinquent; and
 26 (2) requiring the director to suspend or revoke a license issued by
 27 the department as provided in IC 14-11-3.

28 (f) If an obligor:

- 29 (1) holds an employee's permit issued under IC 7.1-3-18-9(a)(3)
 30 **(before July 1, 2020) or IC 7.1-3-18-9(b)(4) (after June 30,**
 31 **2020); and**

- 32 (2) requests a hearing under section 33 of this chapter but fails to
 33 appear or appears and is found to be delinquent;

34 the Title IV-D agency shall issue an order to the alcohol and tobacco
 35 commission stating that the obligor is delinquent and requiring the
 36 commission to impose the appropriate sanctions under IC 7.1-3-23-44.

37 SECTION 47. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1419, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, delete lines 23 through 42.

Page 9, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 7. IC 7.1-3-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. **This section applies to a retailer or dealer permit that is deposited in escrow before July 1, 2019.** A permittee to whom a retailer or dealer permit has been issued under this title may deposit that permit with the commission for a period of one (1) year if the permittee is unable to immediately operate the business to which the permit applies. The commission may extend the term of the deposit for not more than four (4) additional one (1) year periods if the permittee is able to show to the satisfaction of the commission that the permittee is making a good faith effort to put the permit into operation.

SECTION 8. IC 7.1-3-1-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.7. (a) **This section applies to a retailer or dealer permit issued after June 30, 2019.**

(b) **A retailer or dealer permit that has been issued under this title may be deposited with the commission for a total of not more than three (3) years.**

(c) **The three (3) year deposit period described in subsection (b):**

- (1) **does not have to be consecutive;**
- (2) **can transfer to a new permittee;**
- (3) **is tied to the individual permit; and**
- (4) **cannot be extended.**

(d) **The commission shall track the amount of time that a permit has been deposited with the commission under this section and make this information available to the permittee.**

(e) **A retailer or dealer permit that is in escrow at the end of the three (3) year deposit period reverts to the commission. The permit holder is not entitled to any refund or other compensation."**

Page 17, line 21, strike "only".

Page 17, line 22, after "permit," insert "**a two-way permit, or a three-way permit,**".

Page 20, delete lines 19 through 29 and insert "**this title, means a natural or manmade watercourse or channel.**".

Page 20, line 38, delete "natural".

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Page 21, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 25. IC 7.1-3-20-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. **Service Bars:** (a) An establishment which is licensed under the provisions of this article and which has a gross annual business of at least one hundred thousand dollars (\$100,000); of which at least fifty percent (50%); is in the retail sale of food; may have subject to the approval of the commission; a service bar which is not in full, free and unobstructed view **that can be viewed** from a street or public highway.

(b) An establishment shall qualify as to the gross annual business provision if the projection of the first ninety (90) days of business for the establishment for one (1) year equals; or is greater than; one hundred thousand dollars (\$100,000); in the proportions set forth in subsection (a); as shown by the books and records of the establishment."

Page 24, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 31. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 28. College Stadiums

Sec. 1. As used in this chapter, "stadium" means an intercollegiate stadium that has a permanent seating capacity of at least seventy thousand (70,000) people.

Sec. 2. (a) A stadium may:

- (1) submit a floor plan of proposed storage locations to the commission for approval; and
- (2) indicate the primary concessionaire operating at the stadium;

if the stadium intends to allow alcoholic beverages to be stored at the stadium for use by a retailer permittee or supplemental caterer operating at the stadium.

(b) The stadium may change the primary concessionaire operating at the stadium with notification to the commission.

Sec. 3. A retailer permittee or a holder of a supplemental caterer's permit that operates at a stadium may purchase alcoholic beverages from a wholesaler or a brewery described in IC 7.1-3-2-7(5) and the wholesaler or brewery described in IC 7.1-3-2-7(5) may deliver the alcoholic beverages to the stadium to be stored in an area that has been approved by the commission. The alcoholic beverages may be stored temporarily or permanently to be served later by a retailer permittee or a holder of a supplemental caterer's permit.



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

Page 30, line 28, delete "wine".

Page 30, line 33, delete "wine retailer permittee." and insert "**holder of a wine retailer permit, two-way permit, or three-way permit.**".

Page 31, delete lines 28 through 42.

Page 32, delete lines 1 through 21, begin a new paragraph and insert:

"SECTION 43. IC 7.1-5-10-12, AS AMENDED BY P.L.234-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) Except as provided in subsections (b) through (d) and subsection (f), it is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(b) A permittee may credit to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale and refund to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if it is returned to the permittee.

(c) A manufacturer may extend usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state.

(d) An artisan distiller, a distiller, or a liquor or wine wholesaler may extend credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only.

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

(f) Nothing in this section may be construed to prohibit a retailer or dealer from **doing the following:**

(1) **Except as provided in subsection (g)**, extending credit to a consumer purchasing alcohol for personal use at any time as long as any amount owed to the retailer or dealer by a consumer for alcohol is paid in full before the consumer leaves the permittee's premises. ~~or~~

(2) Accepting a:

(A) credit card;

(B) debit card;



- (C) charge card; or
- (D) stored value card;

from a consumer purchasing alcohol for personal use.

(g) A holder of a retailer's permit for a social club or fraternal club may extend credit at any time to a consumer who:

- (1) is a member of the club; and**
- (2) purchases alcohol for personal use.**

The consumer does not have to pay any amount owed by the consumer to the retailer permittee before the consumer leaves the permittee's premises."

Page 38, after line 21, begin a new paragraph and insert:
"SECTION 49. **An emergency is declared for this act.**"
Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1419 as introduced.)

SMALTZ

Committee Vote: yeas 13, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1419 be amended to read as follows:

Page 33, line 30, after "to" insert ":

- (1) a grocery store that is generally known as a convenience store or food mart that is engaged in the retail sale of automotive fuels as described in IC 7.1-1-3-18.5(a)(2)(B); and**
- (2)".**

Page 33, line 30, delete "store." and insert "**store.**

(b)".

Page 33, line 32, delete "(b)" and insert "(c)".

(Reference is to HB 1419 as printed January 26, 2018.)

LEHMAN



HOUSE MOTION

Mr. Speaker: I move that House Bill 1419 be amended to read as follows:

Page 21, delete lines 6 through 18, begin a new paragraph and insert:

"SECTION 24. IC 7.1-3-20-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. ~~Service Bars:~~ (a) ~~An A retail~~ establishment which is licensed under the provisions of this article and which has a gross annual business of at least one hundred thousand dollars (\$100,000), of which at least fifty percent (50%) is in the retail sale of food, may have, subject to the approval of the commission, a service bar ~~which is not in full, free and unobstructed view that can be viewed~~ from a street or public highway.

(b) ~~An A retail~~ establishment shall qualify as to the gross annual business provision **described in subsection (a)**, if the projection of the first ninety (90) days of business for the establishment for one (1) year equals, or is greater than, one hundred thousand dollars (\$100,000), in the proportions set forth in subsection (a), as shown by the books and records of the establishment.

(c) **An artisan distillery, a brewery described under IC 7.1-3-2-7(5), and a farm winery may operate a bar, as defined in 905 IAC 1-41-1, or a service bar, as defined in IC 7.1-1-3-42:**

- (1) **indoors or outdoors; and**
- (2) **that may be viewed from a street or public highway."**

(Reference is to HB 1419 as printed January 26, 2018.)

GIAQUINTA

