

HOUSE BILL No. 1656

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-20-9.6; IC 7.1-5-8.

Synopsis: Bringing wine into a restaurant. Allows a patron to carry wine into a restaurant if: (1) the restaurant has a wine retailer's permit and consents; and (2) the wine is only for consumption by the patron or persons seated at the patron's table while eating food prepared at the restaurant and served at the table. Allows the permit holder to charge a corkage fee for serving wine brought in by a patron. Amends the law allowing a patron to remove an unsealed bottle of wine that was purchased at a restaurant with a meal to specify that the meal was prepared at the restaurant. Allows a patron who brings wine into a restaurant to remove more than one unsealed bottle of wine and exempts the restaurant from having to seal the bottles in a secure bag or container.

Effective: July 1, 2019.

Austin

January 24, 2019, read first time and referred to Committee on Public Policy.



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1656

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-3-20-9.6, AS ADDED BY P.L.270-2017,
- 2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2019]: Sec. 9.6. (a) This section applies only to a restaurant
- 4 that has a wine retailer's permit, regardless of whether the permittee
- 5 sells alcoholic beverages for carryout.
- 6 (b) **Except as provided in subsection (c)**, a restaurant that has a
- 7 wine retailer's permit may allow a patron to remove one (1) unsealed
- 8 bottle of wine for consumption off the licensed premises if the
- 9 following requirements are satisfied:
- 10 (1) The patron consumed part of the bottle of wine on the
- 11 restaurant premises with a ~~purchased~~ meal **prepared by the**
- 12 **restaurant and purchased by the patron.**
- 13 (2) The permittee:
- 14 (A) reseals the bottle; and
- 15 (B) places the resealed bottle of wine in a bag or other
- 16 container that is secured in such a manner that it is visibly
- 17 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 2. IC 7.1-5-8-4, AS AMENDED BY P.L.153-2015,
10 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2019]: Sec. 4. (a) It is a Class B misdemeanor for a person
12 who owns or operates a private or public restaurant or place of public
13 or private entertainment to knowingly or intentionally permit another
14 person to come into the establishment with an alcoholic beverage for
15 sale or gift, or for consumption in the establishment by that person or
16 another, or to serve a setup to a person who comes into the
17 establishment. However, the provisions of this section do not apply to
18 the following:

19 (1) A private room hired by a guest of a bona fide club or hotel
20 that holds a retail permit.

21 (2) A facility that is used in connection with the operation of a
22 paved track that is used primarily in the sport of auto racing.

23 (3) An outdoor place of public entertainment that:

24 (A) has an area of at least four (4) acres and not more than six
25 (6) acres;

26 (B) is located within one (1) mile of the White River;

27 (C) is owned and operated by a nonprofit corporation exempt
28 from federal income taxation under Section 501(c)(3) of the
29 Internal Revenue Code; and

30 (D) is used primarily in connection with live music concerts.

31 (b) An establishment operated in violation of this section is declared
32 to be a public nuisance and subject to abatement as other public
33 nuisances are abated under the provisions of this title.

34 (c) This section does not apply to a person who owns or operates a
35 private or public restaurant or place of public or private entertainment
36 where a qualified organization is conducting:

37 (1) an allowable event to which IC 7.1-3-6.1 applies, and the
38 alcoholic beverage brought into the establishment is:

39 (A) in sealed bottles or cases; and

40 (B) donated to or purchased by the qualified organization to be
41 offered as a prize in the allowable event; or

42 (2) a charity auction to which IC 7.1-3-6.2 applies, and the



1 alcoholic beverage brought into the establishment is:

2 (A) in sealed bottles or cases; and

3 (B) donated to or purchased by the qualified organization to be
4 offered for sale in the charity auction.

5 **(d) This section does not apply to a wine retailer permittee
6 under section 4.5 of this chapter.**

7 SECTION 3. IC 7.1-5-8-4.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2019]: **Sec. 4.5. (a) This section applies only to a wine retailer
10 permittee.**

11 **(b) A permittee may allow a patron to bring wine into the
12 licensed premises, if the wine is:**

13 **(1) in sealed bottles and not offered for sale; and**

14 **(2) only for consumption by:**

15 **(A) the patron; and**

16 **(B) persons seated at the patron's table;**

17 **while eating a meal prepared on the licensed premises and
18 served at the table.**

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

21 SECTION 4. IC 7.1-5-8-5, AS AMENDED BY P.L.94-2008,
22 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2019]: **Sec. 5. (a) This section does not apply to a person who,
24 on or about a licensed premises, carries, conveys, or consumes beer or
25 wine:**

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

27 **(2) not sold or offered for sale.**

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

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

33 **(1) has an area of at least four (4) acres and not more than six (6)
34 acres;**

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

36 **(3) is owned and operated by a nonprofit corporation exempt from
37 federal income taxation under Section 501(c)(3) of the Internal
38 Revenue Code; and**

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

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



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

