

SENATE BILL No. 1

DIGEST OF INTRODUCED BILL

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

Synopsis: Sunday carryout sales. Allows the following to sell alcoholic beverages for carryout on Sunday from noon until 8 p.m.: (1) A package liquor store, grocery store, convenience store, or drug store. (2) A restaurant that satisfies the requirements to sell carryout. (The introduced version of this bill was prepared by the alcohol code revision commission.)

Effective: July 1, 2018.

Alting

January 3, 2018, read first time and referred to Committee on Public Policy.



Second Regular Session 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.

SENATE BILL No. 1

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

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

- 1 SECTION 1. IC 7.1-2-3-16.5, AS AMENDED BY P.L.109-2013,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2018]: Sec. 16.5. (a) As used in this section, "facility"
- 4 includes the following:
- 5 (1) A facility to which IC 7.1-3-1-25(a) applies.
- 6 (2) A tract that contains a premises that is described in
- 7 ~~IC 7.1-3-1-14(c)(2)~~; **IC 7.1-3-1-14(d)(2)**.
- 8 (3) A horse track or satellite facility to which IC 7.1-3-17.7
- 9 applies.
- 10 (4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.
- 11 (5) A tract that contains an entertainment complex.
- 12 (b) As used in this section, "tract" has the meaning set forth in
- 13 IC 6-1.1-1-22.5.
- 14 (c) A facility may advertise alcoholic beverages:
- 15 (1) in the facility's interior; or
- 16 (2) on the facility's exterior.
- 17 (d) The commission may not exercise the prohibition power



1 contained in section 16(a) of this chapter on advertising by a brewer,
2 distiller, rectifier, or vintner in or on a facility.

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

7 SECTION 2. IC 7.1-3-1-14, AS AMENDED BY P.L.10-2010,
8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]: Sec. 14. (a) ~~It is lawful for an appropriate permittee;~~
10 ~~unless~~ **Except as** otherwise specifically provided in this title, **to an**
11 **appropriate permittee may** sell alcoholic beverages each day Monday
12 through ~~Saturday~~ **Sunday** from 7 a.m., prevailing local time, until 3
13 a.m., prevailing local time, the following day. ~~Sales shall cease wholly~~
14 ~~on Sunday at 3 a.m.; prevailing local time; and not be resumed until the~~
15 ~~following Monday at 7 a.m.; prevailing local time.~~

16 (b) ~~It is lawful for~~ The holder of a retailer's permit ~~to~~ **may** sell the
17 appropriate alcoholic beverages ~~for consumption on the licensed~~
18 ~~premises only on Sunday from 7 a.m.; prevailing local time; until 3~~
19 ~~a.m.; prevailing local time; the following day. as follows:~~

20 **(1) Monday through Sunday from 7 a.m., prevailing local**
21 **time, until 3 a.m., prevailing local time, the following day, the**
22 **holder of a retailer's permit may sell the appropriate alcoholic**
23 **beverages for consumption on the licensed premises.**

24 **(2) If the holder of a retailer's permit satisfies the**
25 **requirements under this title for selling alcoholic beverages**
26 **for consumption off the licensed premises, the permit holder**
27 **may also sell carryout:**

28 **(A) Monday through Saturday from 7 a.m., prevailing**
29 **local time, until 3 a.m., prevailing local time, the following**
30 **day; and**

31 **(B) Sunday from noon, prevailing local time, until 8 p.m.,**
32 **prevailing local time.**

33 **(c) The holder of a dealer's permit may sell the appropriate**
34 **alcoholic beverages for carryout at the following times:**

35 **(1) Monday through Saturday from 7 a.m., prevailing local**
36 **time, until 3 a.m., prevailing local time, the following day.**

37 **(2) Sunday from noon, prevailing local time, until 8 p.m.,**
38 **prevailing local time.**

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

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



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

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

8 ~~(d)~~ (e) It is lawful for the holder of a valid beer, wine, or liquor
 9 wholesaler's permit to sell to the holder of a valid retailer's or dealer's
 10 permit at any time.

11 SECTION 3. IC 7.1-3-9-12 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) This section
 13 applies to:

14 (1) the holder of a three-way permit that is issued to a civic
 15 center, a sports arena, a stadium, an exhibition hall, an
 16 auditorium, a theater, a tract that contains a premises that is
 17 described in ~~IC 7.1-3-1-14(c)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a
 18 convention center; or

19 (2) the holder of a catering permit while catering alcoholic
 20 beverages at a civic center, a sports arena, a stadium, an
 21 exhibition hall, an auditorium, a theater, a tract that contains a
 22 premises that is described in ~~IC 7.1-3-1-14(c)(2)~~,
 23 **IC 7.1-3-1-14(d)(2)**, or a convention center.

24 (b) As used in this section, "suite" means an area in a building or
 25 facility referred to in subsection (a) that:

- 26 (1) is not accessible to the general public;
 27 (2) has accommodations for not more than seventy-five (75)
 28 persons per suite; and
 29 (3) is accessible only to persons who possess a ticket:

30 (A) to an event in a building or facility referred to in
 31 subsection (a); and

32 (B) that entitles the person to occupy the area while viewing
 33 the event described in clause (A).

34 The term does not include a restaurant, lounge, or concession area,
 35 even if access to the restaurant, lounge, or concession area is limited to
 36 certain ticket holders.

37 (c) A permittee may allow the self-service of individual servings of
 38 alcoholic beverages in a suite.

39 (d) A person who:

- 40 (1) possesses a ticket described in subsection (b)(3); and
 41 (2) is at least twenty-one (21) years of age;

42 may obtain an alcoholic beverage in a suite by self-service.



- 1 (e) A permittee may do any of the following:
- 2 (1) Demand that a person occupying a suite provide:
- 3 (A) a written statement under IC 7.1-5-7-4; and
- 4 (B) identification indicating that the person is at least
- 5 twenty-one (21) years of age.
- 6 (2) Supervise the self-service of alcoholic beverages.
- 7 (3) Have an employee in the suite who holds an employee permit
- 8 under IC 7.1-3-18-9 to serve some or all of the alcoholic
- 9 beverages.

