



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

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TEMPORARY FLOOR PLAN AMENDMENTS

Frequently Asked Questions (FAQs)

1) What permittees may amend their floor plans on a temporary basis?

IC 7.1-3-20-17.5 allows a retailer permittee that holds a restaurant or hotel permit to temporarily amend its floor plan in order to host social events in a banquet or gathering space. A banquet or gathering space is a room or space *without a permanent bar* in which social events are hosted on the licensed premises of a hotel or restaurant, including areas contiguous to a licensed premises such as a patio. A “bar” is defined as a counter over which alcoholic beverages are sold or dispensed by the drink to consumers.

According to 905 IAC 1-43.1, a gaming site permittee may also temporarily extend its floor plan to include an area that is located adjacent to or in close proximity to the licensed premises. However, in order for the permittee to sell and serve alcoholic beverages at the permit premises during an event not related to an authorized gambling operation, prior written approval must be obtained from the commission at least fifteen (15) days prior to the nonauthorized gambling operation event or activity.

2) How do I submit a request to temporarily amend my floor plan?

In order to request a temporary floor plan amendment, authorized permittees must complete and submit a copy of State Form 57357 (Request for Temporary Floor Plan Amendment) to the ATC for review and approval.

3) Can I temporarily expand my floor plan to include a patio?

Yes, if the patio area complies with all other applicable floor plan requirements, including being contiguous to the licensed premises and having a clearly delineated fence or other enclosure around the perimeter of the patio. A proposed floor plan amendment that extends into a public right-of-way must also receive prior approval from the appropriate governmental entity.

4) Can I add a temporary bar or beer tub to my floor plan?

Yes, but only if the temporary bar or beer tub is **NOT** located in a room or patio area that contains a permanent bar. A temporary bar or beer tub must also satisfy all other applicable floor plan requirements, including physical separation between bar areas and dining areas where minors may be present. Temporary fencing, stanchions, barriers, or enclosures may be used around a temporary bar if it reasonably deters access by minors. Alcoholic beverages sold from bars and beer tubs located on a patio may only be consumed on the licensed premises.

5) Can I use a temporary bar or beer tub exclusively for carryout sales?

No. Retailer permittees that hold a restaurant or hotel permit with carryout privileges cannot sell package alcoholic beverages from a temporary bar area intended solely for this purpose and may not use a cash register exclusively for package alcoholic beverage sales. The holder of a gaming site permit is only entitled to sell alcoholic beverages for consumption on the licensed premises and is not permitted carryout privileges.