

Adopted Rejected

COMMITTEE REPORT

YES: 10
NO: 3

MR. SPEAKER:

*Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1242, 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:*

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and
- 2 insert:
- 3 "SECTION 1. IC 3-10-8-4.5, AS AMENDED BY P.L.3-1997,
- 4 SECTION 237, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 1998]: Sec. 4.5. Whenever the election division
- 6 receives a notice under section 4 of this chapter, the election division
- 7 shall notify the following offices and agencies that a special election
- 8 will be conducted within all or part of Indiana:
- 9 (1) Each agency serving persons with disabilities and designated
- 10 as a voter registration site under IC 3-7-16.
- 11 (2) Armed forces recruitment offices in accordance with
- 12 procedures established under IC 3-7-17.
- 13 (3) Each agency designated as a voter registration site and
- 14 subject to IC 3-7-18.
- 15 ~~(4) The alcoholic beverage commission for purposes of~~
- 16 ~~enforcing IC 7.1-5-10-1.~~

1 ~~(5)~~ (4) The bureau of motor vehicles for voter registration
2 purposes under IC 9-24-2.5.

3 ~~(6)~~ (5) The adjutant general for purposes of enforcing
4 IC 10-2-4-16.

5 ~~(7)~~ (6) The division of family and children for voter registration
6 purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

7 ~~(8)~~ (7) The state department of health for voter registration
8 purposes under IC 16-35-1.6.

9 ~~(9)~~ (8) The Federal Voting Assistance Program of the United
10 States Department of Defense for notification of absent
11 uniformed services voters and overseas voters.

12 SECTION 2. IC 3-10-8-9, AS AMENDED BY P.L.3-1995,
13 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 1998]: Sec. 9. (a) If the special election occurs during the
15 period when registration is open under IC 3-7-13, the registration
16 period continues through the twenty-ninth day before the special
17 election occurs and resumes on the first day of the month following the
18 month in which the special election is conducted.

19 (b) The election board conducting the special election shall
20 provide poll lists for use at the precincts that include the names of
21 voters in the precinct who:

22 (1) have registered through the twenty-ninth day before the
23 special election is to be conducted; or

24 (2) are absent uniformed services voters or overseas voters
25 registered under IC 3-7-36.

26 (c) This subsection applies when a special election is ordered by
27 a court under IC 3-12-8-17 or the state recount commission under
28 IC 3-12-11-18. A candidate may not be placed on the special election
29 ballot unless the candidate was on the ballot or was a declared write-in
30 candidate for the office at the general election preceding the special
31 election.

32 ~~(d) The restrictions on the sale of alcoholic beverages set forth in~~
33 ~~IC 7-1-5-10-1 apply in each precinct in which the special election is~~
34 ~~conducted.~~

35 SECTION 3. IC 7.1-1-2-3 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. ~~Scope: Exceptions:~~

37 (a) The provisions of this title shall not prohibit **the following**:

38 (1) The manufacture, sale, possession, transportation, or use of

- 1 vinegar.
- 2 (2) The sale or transportation of sacramental wine to a minister,
- 3 priest, or rabbi for a religious purpose.
- 4 (3) The manufacture, purchase, possession, transportation, or
- 5 distribution of sacramental wine for a religious purpose by a
- 6 minister, priest, or rabbi.
- 7 (4) The manufacture of wine or beer for use in one's own
- 8 residence.
- 9 (5) The manufacture, sale, possession, transportation, or use of
- 10 industrial alcohol. ~~or~~
- 11 (6) Alcoholic beverages held, served, or consumed on airline
- 12 flights.
- 13 **(7) The transportation of beer or wine manufactured in a**
- 14 **person's residence for use in a person's residence to a**
- 15 **brewer's premises or winery for testing, evaluation, or**
- 16 **educational purposes, including home brewer or vintner**
- 17 **contests, educational seminars, beer or wine tastings, or beer**
- 18 **or wine judging as set forth in IC 7.1-3-2-7 and IC 7.1-3-12-5.**
- 19 **(8) The use of beer or wine manufactured in a person's**
- 20 **residence for use in the person's residence on a brewer's**
- 21 **premises or at a winery for testing, evaluation, or**
- 22 **educational purposes, including home brewer or vintner**
- 23 **contests, educational seminars, beer or wine tastings, or beer**
- 24 **or wine judging as set forth in IC 7.1-3-2-7 and IC 7.1-3-12-5.**
- 25 (b) The purchase, transportation to, and the possession of alcoholic
- 26 beverages for use only in one's own residence **or the residence of**
- 27 **another person** shall not be prohibited but shall be subject to the
- 28 applicable provisions of this title.
- 29 (c) The manufacture, sale, possession, transportation, or use of
- 30 alcohol or alcoholic beverages, or a preparation containing alcohol for
- 31 a medicinal, scientific, or mechanical purpose, shall not be prohibited
- 32 but shall be controlled, regulated, and confined to permittees as
- 33 provided in this title.
- 34 SECTION 4. IC 7.1-2-3-16 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16. (a) The commission
- 36 shall have the power to regulate and prohibit advertising, signs,
- 37 displays, posters, and designs intended to advertise an alcoholic
- 38 beverage or the place where alcoholic beverages are sold.

1 (b) The commission shall not exercise the prohibition power
 2 contained in subsection (a) as to any advertisement appearing in a
 3 newspaper which:

4 (1) is published at least once a week;

5 (2) regularly publishes information of current news interest to
 6 the community; and

7 (3) circulates generally to the public in any part of this state,
 8 regardless of where printed.

9 However, a newspaper shall not include publications devoted to special
 10 interests such as labor, religious, fraternal, society, or trade
 11 publications or journals, or publications owned or issued by political
 12 organizations or parties.

13 (c) The commission shall not exercise the prohibition power
 14 contained in subsection (a) as to any advertisement broadcast over duly
 15 licensed radio and television stations.

16 (d) All advertisements relating to alcoholic beverages, whether
 17 published in a newspaper or broadcast over radio or television, shall
 18 conform to the rules and regulations of the commission.

19 (e) The commission shall not exercise the prohibition power
 20 contained in subsection (a) as to advertising in the official program of
 21 the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane
 22 Race.

23 (f) Notwithstanding any other law, the commission may not
 24 prohibit the use of an illuminated sign advertising alcoholic beverages
 25 by brand name that is displayed within the interior or on the exterior of
 26 the premises covered by the permit, regardless of whether the sign is
 27 illuminated constantly or intermittently. ~~However, it is unlawful for a~~
 28 ~~primary source of supply or a wholesaler of alcoholic beverages to sell,~~
 29 ~~give, supply, furnish, or grant to, or maintain for, a retail or dealer~~
 30 ~~permittee an illuminated advertising sign. It is unlawful for a retail or~~
 31 ~~dealer permittee to receive, accept, display, or permit to be displayed,~~
 32 ~~an illuminated advertising sign sold, given, supplied, furnished,~~
 33 ~~granted, or maintained in violation of this subsection.~~

34 (g) The commission may not prohibit the advertisement of:

35 (1) alcoholic beverages; or

36 (2) a place where alcoholic beverages may be obtained;

37 in a program, scorecard, handbill, throw-away newspaper, or menu;
 38 however, those advertisements must conform to the rules of the

1 commission.

2 SECTION 5. IC 7.1-3-2-7, AS AMENDED BY P.L.107-1995,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 1998]: Sec. 7. The holder of a brewer's permit or an
5 out-of-state brewer holding either a primary source of supply permit or
6 an out-of-state brewer's permit may do the following:

- 7 (1) Manufacture beer.
- 8 (2) Place beer in containers or bottles.
- 9 (3) Transport beer.
- 10 (4) Sell and deliver beer to a person holding a beer wholesaler's
- 11 permit issued under IC 7.1-3-3.

12 (5) If the brewer's brewery manufactures not more than twenty
13 thousand (20,000) barrels of beer in a calendar year, do the
14 following:

- 15 (A) Sell and deliver beer to a person holding a retailer or a
- 16 dealer permit under this title.
- 17 (B) Be the proprietor of a restaurant.
- 18 (C) Hold a beer retailer's permit, a wine retailer's permit, or
- 19 a liquor retailer's permit for a restaurant established under
- 20 clause (B).
- 21 (D) Transfer beer directly from the brewery to the restaurant
- 22 by means of:
 - 23 (i) bulk containers; or
 - 24 (ii) a continuous flow system.
- 25 (E) Install a window between the brewery and an adjacent
- 26 restaurant that allows the public and the permittee to view
- 27 both premises.
- 28 (F) Install a doorway or other opening between the brewery
- 29 and an adjacent restaurant that provides the public and the
- 30 permittee with access to both premises.

31 (6) If the brewer's brewery manufactures more than twenty
32 thousand (20,000) barrels of beer in a calendar year, own a
33 portion of the corporate stock of another brewery that:

- 34 (A) is located in the same county as the brewer's brewery;
- 35 (B) manufactures less than twenty thousand (20,000)
- 36 barrels of beer in a calendar year; and
- 37 (C) is the proprietor of a restaurant that operates under
- 38 subdivision (5).

1 (7) Sell and deliver beer to a consumer at the plant of the brewer
 2 or at the residence of the consumer. The delivery to a consumer
 3 shall be made only in a quantity at any one (1) time of not more
 4 than one-half (1/2) barrel, but the beer may be contained in
 5 bottles or other permissible containers.

6 (8) Provide complimentary samples of beer that are:

- 7 (A) produced by the brewer; and
 8 (B) offered to consumers for consumption on the brewer's
 9 premises.

10 (9) Own a portion of the corporate stock of a sports corporation
 11 that:

- 12 (A) manages a minor league baseball stadium located in the
 13 same county as the brewer's brewery; and
 14 (B) holds a beer retailer's permit, a wine retailer's permit, or
 15 a liquor retailer's permit for a restaurant located in that
 16 stadium.

17 **(10) Allow the transportation and consumption on a brewer's**
 18 **premises of beer manufactured by a person for use at the**
 19 **person's residence. The transportation and consumption of**
 20 **the beer may be only for testing, evaluation, or educational**
 21 **purposes, including home brewer contests, educational**
 22 **seminars, beer tastings, or beer judging. Beer transported**
 23 **and used as prescribed in this subdivision may not be sold or**
 24 **offered for sale.**

25 SECTION 6. IC 7.1-3-3-4 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. ~~Premises Described~~
 27 ~~in Application.~~ (a) The premises to be used as a warehouse by an
 28 applicant shall be described in the application for the permit. The
 29 commission shall not issue a beer wholesaler's permit to an applicant
 30 for any other warehouse or premises than that described in the
 31 application.

32 (b) **Except as provided in subsection (c),** the commission shall
 33 issue only one (1) beer wholesaler's permit to an applicant, but a
 34 permittee may be permitted to transfer his warehouse to another
 35 location within the county, upon application to, and approval of, the
 36 commission.

37 (c) **Notwithstanding subsection (b), the commission may issue**
 38 **to an individual applicant one (1) beer wholesaler's permit for each**

1 **county having a population of:**

- 2 **(1) more than one hundred eight thousand nine hundred fifty**
 3 **(108,950) but less than one hundred twelve thousand**
 4 **(112,000); or**
 5 **(2) more than twenty-three thousand six hundred fifty**
 6 **(23,650) but less than twenty-three thousand seven hundred**
 7 **(23,700).**

8 SECTION 7. IC 7.1-3-12-5, AS AMENDED BY P.L.74-1996,
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 1998]: Sec. 5. (a) The holder of a small winery permit:

- 11 (1) is entitled to manufacture table wine, to bottle wine, and to
 12 bottle table wine produced by the permit holder's small winery;
 13 (2) is entitled to serve complimentary samples of the winery's
 14 table wine on the licensed premises;
 15 (3) is entitled to sell the winery's table wine on the licensed
 16 premises to consumers either by the glass, or by the bottle, or
 17 both;
 18 (4) is entitled to sell table wine by the bottle or by the case to a
 19 person who is the holder of a permit to sell wine at either
 20 wholesale or retail;
 21 (5) is exempt from the provisions of IC 7.1-3-14; ~~and~~
 22 (6) is entitled to advertise the name and address of any retailer
 23 or dealer who sells wine produced by the permit holder's winery;
 24 **and**
 25 **(7) is entitled to allow the transportation and consumption on**
 26 **the licensed premises of wine manufactured by a person for**
 27 **use at the person's residence. The transportation and**
 28 **consumption of the wine described in this subdivision may be**
 29 **only for testing, evaluation, or educational purposes,**
 30 **including home vintner contests, educational seminars, wine**
 31 **tastings, and wine judging. Wine transported and used as**
 32 **described in this subdivision may not be sold or offered for**
 33 **sale.**

34 (b) With the approval of the commission, a holder of a permit
 35 under this chapter may conduct business at a second location that is
 36 separate from the winery. At the second location, the holder of a permit
 37 may conduct any business that is authorized at the first location, except
 38 for the manufacturing or bottling of wine.

1 (c) With the approval of the commission, a holder of a permit
 2 under this chapter may, individually or with other permit holders under
 3 this chapter, participate in a trade show or an exposition at which
 4 products of each permit holder participant are displayed, promoted, and
 5 sold. The commission may not grant approval under this subsection to
 6 a holder of a permit under this chapter:

7 (1) more than three (3) times in a calendar year; and

8 (2) for more than three (3) days for each event.

9 SECTION 8. IC 7.1-5-7-5.1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5.1. (a) A permittee in
 11 a criminal prosecution or in a proceeding before the commission or a
 12 local board based upon a charge of unlawfully furnishing an alcoholic
 13 beverage to a minor may offer ~~either or both~~ **at least one (1)** of the
 14 following proofs as a defense or defenses to the prosecution or
 15 proceeding:

16 (1) That:

17 (A) the purchaser:

18 (i) falsely represented the purchaser's age in a written
 19 statement, such as that prescribed by subsection (b),
 20 supported by two (2) forms of identification showing
 21 the purchaser to be at least twenty-one (21) years of
 22 age;

23 (ii) produced a driver's license bearing the purchaser's
 24 photograph **that showed that the purchaser was of
 25 legal age to make the purchase;** or

26 (iii) produced a photographic identification card,
 27 issued under IC 9-24-16-1 or a similar card, issued
 28 under the laws of another state or the federal
 29 government, showing that the purchaser was of legal
 30 age to make the purchase;

31 (B) the appearance of the purchaser was such that an
 32 ordinary prudent person would believe the purchaser to be
 33 of legal age to make the purchase; and

34 (C) the sale was made in good faith based upon the
 35 reasonable belief that the purchaser was actually of legal
 36 age to make the purchase.

37 (2) That the permittee or his agent had taken all reasonable
 38 precautions in instructing his employees, in hiring his

1 employees, and in supervising them as to sale of alcoholic
2 beverages to minors.

3 **(3) That the permittee or the permittee's agent has required**
4 **each purchaser having an appearance that would result in an**
5 **ordinary prudent person believing the purchaser to be**
6 **twenty-six (26) years of age or less to produce photographic**
7 **identification on at least one (1) occasion showing that the**
8 **purchaser is of legal age to make the purchase.**

9 (b) The following written statement is sufficient for the purposes
10 of subsection (a)(1)(A)(i):

11 REPRESENTATION AND STATEMENT
12 OF AGE
13 FOR PURCHASE OF ALCOHOLIC
14 BEVERAGES

15 I understand that misrepresentation of age to induce the sale,
16 service, or delivery of alcoholic beverages to me is cause for my arrest
17 and prosecution, which can result in punishment as follows:

- 18 (1) Possible payment of a fine of up to \$500.
- 19 (2) Possible imprisonment for up to 60 days.
- 20 (3) Possible loss or deferment of driver's license privileges for up
21 to one year.
- 22 (4) Possible requirement to participate in an alcohol education
23 or treatment program.

24 Knowing the possible penalties for misstatement, I hereby
25 represent and state, for the purpose of inducing

26 _____
27 (Name of licensee)

28 to sell, serve, or deliver alcoholic beverages to me, that I was born:

29 _____, _____, _____ and am _____ years of age.

30 (Month) (Day) (Year)

31 Date _____ Signed _____

32 Address _____

33 _____
34 _____

35 Other Identification	Signature of person
36 Presented:	who witnessed completion
37 Nonphoto's driver's	of this statement
38 license: (number & state)	by patron:

1 _____
 2 Social Security Number
 3 _____
 4 Other _____
 5 _____
 6 _____".

7 Delete page 2.
 8 Page 3, delete lines 1 through 5.
 9 Page 3, after line 17, begin a new paragraph and insert:
 10 "SECTION 10. IC 7.1-5-8-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. ~~Taking Alcoholic~~
 12 ~~Beverage On Licensed Premises Prohibited.~~ (a) **This section does not**
 13 **apply to a person who carries, conveys, or consumes on or about**
 14 **the licensed premises of a brewer or winery for testing, evaluation,**
 15 **or educational purposes beer or wine manufactured in the person's**
 16 **residence for use in the person's residence as described in**
 17 **IC 7.1-3-2-7 and IC 7.1-3-12-5.**

18 (b) It is a Class C misdemeanor for a person, for his own use, to
 19 knowingly carry on, convey to, or consume, on or about the licensed
 20 premises of a permittee, an alcoholic beverage that was not then and
 21 there purchased from that permittee.

22 SECTION 11. IC 7.1-5-9-4, AS AMENDED BY P.L.51-1994,
 23 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 1998]: Sec. 4. An applicant for a beer wholesaler's permit
 25 shall have no interest in the following:

- 26 (1) A permit to manufacture or to sell at retail alcoholic beverages
 27 of any kind.
- 28 (2) **Except as provided in IC 7.1-3-3-4(c)**, any other permit to
 29 wholesale alcoholic beverages.
- 30 (3) Through stock ownership or otherwise, in a partnership,
 31 limited liability company, or corporation that holds:
 - 32 (A) a permit to manufacture or to sell at retail alcoholic
 33 beverages of any kind; or
 - 34 (B) any other permit to wholesale alcoholic beverages of any
 35 kind.

36 SECTION 12. IC 7.1-5-10-1, AS AMENDED BY P.L.3-1997,
 37 SECTION 423, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) It is unlawful to sell alcoholic

- 1 beverages at the following times:
- 2 (1) At a time other than that made lawful by the provisions of
- 3 IC 7.1-3-1-14.
- 4 (2) On Christmas Day and until 7:00 o'clock in the morning,
- 5 prevailing local time, the following day.
- 6 ~~(3) On primary election day, and general election day, from 3:00~~
- 7 ~~o'clock in the morning, prevailing local time, until the voting polls~~
- 8 ~~are closed in the evening on these days.~~
- 9 ~~(4) During a special election under IC 3-10-8-9 (within the~~
- 10 ~~precincts where the special election is being conducted); from~~
- 11 ~~3:00 o'clock in the morning until the voting polls are closed in the~~
- 12 ~~evening on these days.~~
- 13 (b) During the time when the sale of alcoholic beverages is
- 14 unlawful, no alcoholic beverages shall be sold, dispensed, given away,
- 15 or otherwise disposed of on the licensed premises, and the licensed
- 16 premises shall remain closed to the extent that the nature of the
- 17 business carried on on the premises, as at a hotel or restaurant, permits.
- 18 (c) It is unlawful to sell alcoholic beverages on New Year's Day for
- 19 off-premises consumption."
- 20 Renumber all SECTIONS consecutively.
- (Reference is to HB 1242 as introduced.)

and when so amended that said bill do pass.

Representative Bailey