

# HOUSE BILL No. 1040

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-2-3-16.

**Synopsis:** Advertising signs for alcoholic beverages. Provides that an alcoholic beverage primary source of supply or wholesaler is no longer prohibited from selling, giving, supplying, furnishing, granting, or maintaining for, a retail or dealer permittee an illuminated advertising sign, and that it is no longer unlawful for the permittee to be the recipient of any of these actions.

**Effective:** July 1, 1998.

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**L. Lutz**

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January 6, 1998, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

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

1 SECTION 1. IC 7.1-2-3-16 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16. (a) The commission  
3 shall have the power to regulate and prohibit advertising, signs,  
4 displays, posters, and designs intended to advertise an alcoholic  
5 beverage or the place where alcoholic beverages are sold.

6 (b) The commission shall not exercise the prohibition power  
7 contained in subsection (a) as to any advertisement appearing in a  
8 newspaper which:

- 9 (1) is published at least once a week;  
10 (2) regularly publishes information of current news interest to the  
11 community; and  
12 (3) circulates generally to the public in any part of this state,  
13 regardless of where printed.

14 However, a newspaper shall not include publications devoted to special  
15 interests such as labor, religious, fraternal, society, or trade  
16 publications or journals, or publications owned or issued by political  
17 organizations or parties.

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

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

7 (e) The commission shall not exercise the prohibition power  
8 contained in subsection (a) as to advertising in the official program of  
9 the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane  
10 Race.

11 (f) Notwithstanding any other law, the commission may not prohibit  
12 the use of an illuminated sign advertising alcoholic beverages by brand  
13 name that is displayed within the interior or on the exterior of the  
14 premises covered by the permit, regardless of whether the sign is  
15 illuminated constantly or intermittently. ~~However, it is unlawful for a~~  
16 ~~primary source of supply or a wholesaler of alcoholic beverages to sell;~~  
17 ~~give, supply, furnish, or grant to, or maintain for, a retail or dealer~~  
18 ~~permittee an illuminated advertising sign. It is unlawful for a retail or~~  
19 ~~dealer permittee to receive, accept, display, or permit to be displayed;~~  
20 ~~an illuminated advertising sign sold, given, supplied, furnished,~~  
21 ~~granted, or maintained in violation of this subsection.~~

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

23 (1) alcoholic beverages; or

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

25 in a program, scorecard, handbill, throw-away newspaper, or menu;  
26 however, those advertisements must conform to the rules of the  
27 commission.

