



January 28, 2000

HOUSE BILL No. 1385

DIGEST OF HB 1385 (Updated January 27, 2000 11:44 AM - DI 92)

Citations Affected: IC 7.1-3; IC 7.1-4.

Synopsis: Responsible retail permittee program. Provides that the Indiana alcoholic beverage commission may establish a responsible retail permittee program or may approve a responsible retail permittee program. Provides for the voluntary certification of a retail permittee as well as training courses for bartenders, waiters, waitresses, and package liquor store clerks taught by an enforcement officer training unit or an instructor of an approved program. Specifies the subject areas to be covered by the employee training courses. Specifies what requirements must be met for a retail permittee to be certified in the program. Establishes the responsible retail permittee fund. Specifies that money in the fund may be used to compensate excise officers. Provides that under certain circumstances the actions of a retail permittee's employee with regard to the illegal sale or service of an alcoholic beverage by the employee to an underage or intoxicated person shall not be attributable to the retail permittee. Requires the Indiana alcoholic beverage commission to consider a retail permittee's certification in the program in mitigation of administrative penalties or fines for an employee's illegal sale or service of an alcoholic beverage to an underage or intoxicated person. Provides that the license fee for an employee's permit for an employee participating in the program is \$30. Requires \$10 of each employee permit fee collected from employees participating in the program to be deposited the responsible retail permittee fund.

Effective: July 1, 2000.

**Klinker, Ayres, Scholer, Welch,
Kuzman, Ruppel**

January 11, 2000, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

January 26, 2000, reported — Do Pass; referred to Committee on Ways and Means, pursuant to Rule 127.

January 27, 2000, amended, reported — Do Pass.

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January 28, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE BILL No. 1385

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 7.1-3-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2000]:

4 **Chapter 1.5. Responsible Retail Permittee Program**

5 **Sec. 1. As used in this chapter, "employee" refers to:**

- 6 (1) a bartender;
7 (2) a waiter or waitress; or
8 (3) a package liquor store clerk;

9 issued a permit under IC 7.1-3-18-9.

10 **Sec. 2. As used in this chapter, "program" refers to a**
11 **responsible retail permittee program established by section 4 of**
12 **this chapter.**

13 **Sec. 3. As used in this chapter, "retail permittee" means a**
14 **person who is issued a permit under IC 7.1-3-9 or IC 7.1-3-10.**

15 **Sec. 4. (a) The commission:**

- 16 (1) may establish; or
17 (2) may approve;

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1 a responsible retail permittee program that is designed to educate
 2 retail permittees and a retail permittee's employees about selling,
 3 serving, and consuming alcoholic beverages in a responsible
 4 manner.

5 (b) A program must include the following:

6 (1) Enrollment and certification of the retail permittee in the
 7 program.

8 (2) Employee training courses that are taught by:

9 (A) an enforcement officer training unit; or

10 (B) an instructor of an approved program.

11 (c) Each program is responsible for the development of a
 12 responsible permittee handbook and the distribution of copies of
 13 the handbook to retail permittees. Each program may also develop
 14 and distribute amendments to the handbook.

15 (d) The commission shall approve a program only if it satisfies
 16 the requirements of this chapter.

17 **Sec. 5.** The employee training courses shall include the following
 18 subject areas:

19 (1) Methods of identifying and dealing with underage or
 20 intoxicated persons, including strategies for delaying and
 21 denying sales and service to underage or intoxicated persons.

22 (2) Classification of alcohol as a depressant and alcohol's
 23 effect on the human body, particularly on the ability to drive
 24 a motor vehicle.

25 (3) Effects of alcohol when taken with commonly used
 26 prescription and nonprescription drugs.

27 (4) State laws and regulations regarding the sale and service
 28 of alcoholic beverages for consumption on licensed premises.

29 (5) Local ordinances and regulations that affect the sale and
 30 service of alcoholic beverages for consumption on licensed
 31 premises.

32 (6) Methods of identifying a false driver's license and other
 33 documents that are used as evidence of age and identity.

34 **Sec. 6. (a)** To qualify for and maintain certification as a
 35 responsible retail permittee, a retail permittee must comply with
 36 all of the following:

37 (1) Enrollment in a program and written certification to the
 38 commission that the retail permittee has read and
 39 understands a responsible permittee handbook distributed
 40 under section 4 of this chapter and any amendments to the
 41 handbook.

42 (2) Successful completion of an employee training course by

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- 1 each employee within forty-five (45) days after the employee
2 begins employment.
- 3 **(3) Maintenance of training verification records of the retail**
4 **permittee's employees.**
- 5 **(4) The posting of a sign on the retail permittee's premises**
6 **informing customers of the retail permittee's policy against**
7 **selling alcoholic beverages to underage or intoxicated persons.**
- 8 **(b) The employee training course completion requirement under**
9 **subsection (a)(2) may be extended by the commission to not more**
10 **than seventy-five (75) days if the employee is unable to complete**
11 **the program in the first forty-five (45) days of the employee's**
12 **employment through no fault of the employee.**
- 13 **Sec. 7. (a) The responsible retail permittee fund is established**
14 **for the purpose of the administration of this chapter.**
- 15 **(b) The fund shall be administered by the Indiana alcoholic**
16 **beverage commission.**
- 17 **(c) Money in the fund at the end of a state fiscal year does not**
18 **revert to the state general fund.**
- 19 **Sec. 8. The commission may suspend or revoke an employee's**
20 **permit or fine an employee for noncompliance with this chapter in**
21 **accordance with IC 7.1-3-23.**
- 22 **Sec. 9. The actions of a retail permittee's employee with regard**
23 **to the illegal sale or service of an alcoholic beverage by the**
24 **employee to an underage or intoxicated person shall not be**
25 **attributable to the retail permittee if:**
- 26 **(1) the retail permittee requires the retail permittee's**
27 **employees to attend a training program under this chapter;**
28 **(2) the employee has completed the training program under**
29 **this chapter; and**
- 30 **(3) the retail permittee has not directly or indirectly**
31 **encouraged the employee to commit the violation.**
- 32 **Sec. 10. The commission shall consider certification by a retail**
33 **permittee in a program in mitigation of administrative penalties or**
34 **fines for an employee's illegal sale or service of an alcoholic**
35 **beverage to an underage or intoxicated person.**
- 36 **Sec. 11. The commission shall adopt rules under IC 4-22-2 for**
37 **the administration of this chapter.**
- 38 SECTION 2. IC 7.1-4-1-38, AS AMENDED BY P.L.205-1999,
39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2000]: Sec. 38. (a) The biennial license fee for an employee's
41 permit is:
42 (1) twenty dollars (\$20); or



1 (2) five dollars (\$5) if the permit is used only to perform volunteer
 2 service that benefits a nonprofit organization; or

3 **(3) thirty dollars (\$30) if the employee participates in the**
 4 **responsible retail permittee program established under**
 5 **IC 7.1-3-1.5.**

6 (b) The term of the permit is two (2) years.

7 SECTION 3. IC 7.1-4-11-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. ~~Enforcement~~
 9 ~~Officer's Retirement Fund.~~ **(a) Except as provided in subsection (b),**
 10 the sums realized from the collection of the ~~annual~~ **biennial** license
 11 fees imposed by IC ~~1971~~ 7.1-4-1-38, shall be paid first, and are hereby
 12 appropriated, to the state excise police retirement fund. The board of
 13 trustees of the public employees' retirement fund shall determine the
 14 amount to be appropriated. The amount to be appropriated shall be
 15 sufficient, when added to the funds already held by the retirement fund,
 16 for the payment of benefits to enforcement officers to pay the aggregate
 17 liability of the retirement fund for the payment of benefits and
 18 administration costs to the end of the fiscal year. **Money in the fund**
 19 **must be used to administer the responsible retail permittee**
 20 **program and may be used to compensate excise officers.** The
 21 appropriation of funds shall be credited to the state excise police
 22 retirement fund in equal installments at the end of each month during
 23 each fiscal year.

24 **(b) Ten dollars (\$10) of the fee for each employee permit**
 25 **collected under IC 7.1-4-1-38(a)(3) shall be deposited in the**
 26 **responsible retail permittee fund established by IC 7.1-3-1.5-7.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1385, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

and that said bill be referred to the Committee on Ways and Means, per Rule 127.

KUZMAN, Chair

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1385, 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:

Page 3, line 42, reset in roman "twenty".

Page 3, line 42, delete "thirty".

Page 3, line 42, reset in roman "(\$20)".

Page 3, line 42, delete "(\$30)".

Page 3, line 42, strike "or".

Page 4, line 2, after "organization" delete "." and insert "; or".

Page 4, between lines 2 and 3, begin a new line block indented and insert:

"(3) thirty dollars (\$30) if the employee participates in the responsible retail permittee program established under IC 7.1-3-1.5."

Page 4, line 15, after "." insert "**Money in the fund must be used to administer the responsible retail permittee program and may be used to compensate excise officers.**".

Page 4, line 19, delete "IC 7.1-4-1-38" and insert "**IC 7.1-4-1-38(a)(3)**".

and when so amended that said bill do pass.

(Reference is to HB 1385 as introduced.)

BAUER, Chair

Committee Vote: yeas 19, nays 0.

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