



Reprinted  
February 8, 2000

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## HOUSE BILL No. 1385

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DIGEST OF HB 1385 (Updated February 7, 2000 10:29 PM - DI 84)

**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 clerks employed by a liquor, beer, or wine dealer. 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. Increases the employee permit fee from \$20 to \$30. Requires \$10 of each employee permit fee collected from employees participating in the program to be deposited in the responsible retail permittee fund. Provides that the commission shall charge a fee of \$10 for an employee who is in a training program taught by an enforcement officer training unit and who does not have an employee permit.

**Effective:** July 1, 2000.

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

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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.

February 1, 2000, read second time, amended, ordered engrossed.

February 2, 2000, engrossed.

February 7, 2000, read third time, recommitted to Committee of One, amended; passed. Yeas 93, nays 4.

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HB 1385—LS 7236/DI 100+



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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

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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 7.1-3-1.5 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, a waiter, or a waitress issued a permit under  
7 IC 7.1-3-18-9; or  
8 (2) a clerk employed by a liquor, beer, or wine dealer.  
9 **Sec. 2. As used in this chapter, "program" refers to a**  
10 **responsible retail permittee program established by section 4 of**  
11 **this chapter.**  
12 **Sec. 3. As used in this chapter, "retail permittee" means a**  
13 **retailer or a dealer who is issued a permit under IC 7.1-3.**  
14 **Sec. 4. (a) The commission:**  
15 (1) may establish; or  
16 (2) may approve;  
17 a responsible retail permittee program that is designed to educate

HB 1385—LS 7236/DI 100+



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1 retail permittees and a retail permittee's employees about selling,  
2 serving, and consuming alcoholic beverages in a responsible  
3 manner.

- 4 (b) A program must include the following:
  - 5 (1) Enrollment and certification of the retail permittee in the
  - 6 program.
  - 7 (2) Employee training courses that are taught by:
    - 8 (A) an enforcement officer training unit; or
    - 9 (B) an instructor of an approved program.

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

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

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

- 18 (1) Methods of identifying and dealing with underage or
- 19 intoxicated persons, including strategies for delaying and
- 20 denying sales and service to underage or intoxicated persons.
- 21 (2) Classification of alcohol as a depressant and alcohol's
- 22 effect on the human body, particularly on the ability to drive
- 23 a motor vehicle.
- 24 (3) Effects of alcohol when taken with commonly used
- 25 prescription and nonprescription drugs.
- 26 (4) State laws and regulations regarding the sale and service
- 27 of alcoholic beverages for consumption on licensed premises.
- 28 (5) Local ordinances and regulations that affect the sale and
- 29 service of alcoholic beverages for consumption on licensed
- 30 premises.
- 31 (6) Methods of identifying a false driver's license and other
- 32 documents that are used as evidence of age and identity.

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

- 36 (1) Enrollment in a program and written certification to the
- 37 commission that the retail permittee has read and
- 38 understands a responsible permittee handbook distributed
- 39 under section 4 of this chapter and any amendments to the
- 40 handbook.
- 41 (2) Successful completion of an employee training course by
- 42 each employee within forty-five (45) days after the employee

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- 1 begins employment.
- 2 (3) Maintenance of training verification records of the retail
- 3 permittee's employees.
- 4 (4) The posting of a sign on the retail permittee's premises
- 5 informing customers of the retail permittee's policy against
- 6 selling alcoholic beverages to underage or intoxicated persons.
- 7 (b) The employee training course completion requirement under
- 8 subsection (a)(2) may be extended by the commission to not more
- 9 than seventy-five (75) days if the employee is unable to complete
- 10 the program in the first forty-five (45) days of the employee's
- 11 employment through no fault of the employee.
- 12 Sec. 7. (a) The responsible retail permittee fund is established
- 13 for the purpose of the administration of this chapter.
- 14 (b) The fund shall be administered by the Indiana alcoholic
- 15 beverage commission.
- 16 (c) Money in the fund at the end of a state fiscal year does not
- 17 revert to the state general fund.
- 18 (d) Money in the fund must be used to administer the
- 19 responsible retail permittee program and may be used to
- 20 compensate enforcement officers.
- 21 Sec. 8. The commission shall charge a fee of ten dollars (\$10) for
- 22 an employee who:
- 23 (1) has not been issued a permit under IC 7.1-3-18-9; and
- 24 (2) is enrolled in a training program administered by an
- 25 enforcement officer training unit.
- 26 The fee charged under this section must be deposited in the
- 27 responsible retail permittee fund established by section 7 of this
- 28 chapter.
- 29 Sec. 9. The commission may suspend or revoke an employee's
- 30 permit or fine an employee for noncompliance with this chapter in
- 31 accordance with IC 7.1-3-23.
- 32 Sec. 10. The actions of a retail permittee's employee with regard
- 33 to the illegal sale or service of an alcoholic beverage by the
- 34 employee to an underage or intoxicated person shall not be
- 35 attributable to the retail permittee if:
- 36 (1) the retail permittee requires the retail permittee's
- 37 employees to attend a training program under this chapter;
- 38 (2) the employee has completed the training program under
- 39 this chapter;
- 40 (3) the retail permittee has not directly or indirectly
- 41 encouraged the employee to commit the violation; and
- 42 (4) the alleged violation is the first such violation by the



1           employee in a twelve (12) month period.

2           **Sec. 11. The commission shall consider certification by a retail**  
 3 **permittee in a program in mitigation of administrative penalties or**  
 4 **finances for an employee's illegal sale or service of an alcoholic**  
 5 **beverage to an underage or intoxicated person.**

6           **Sec. 12. The commission shall adopt rules under IC 4-22-2 for**  
 7 **the administration of this chapter.**

8           SECTION 2. IC 7.1-4-1-38, AS AMENDED BY P.L.205-1999,  
 9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2000]: Sec. 38. (a) The biennial license fee for an employee's  
 11 permit is:

- 12           (1) ~~twenty dollars (\$20);~~ **thirty dollars (\$30);** or  
 13           (2) five dollars (\$5) if the permit is used only to perform volunteer  
 14           service that benefits a nonprofit organization.

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

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

30           **(b) Ten dollars (\$10) of the fee for each employee permit**  
 31 **collected under IC 7.1-4-1-38(a) shall be deposited in the**  
 32 **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

Committee Vote: yeas 13, nays 0.

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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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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1385 be amended to read as follows:

Page 1, between lines 5 and 6, begin a new line block indented and insert:

**"(1) a bartender, a waiter, or a waitress issued a permit under IC 7.1-3-18-9; or**

**(2) a clerk employed by a liquor, beer, or wine dealer."**

Page 1, delete lines 6 through 9.

Page 1, line 14, delete "person" and insert **"retailer or a dealer"**.

Page 1, line 14, delete "IC 7.1-3-9 or IC 7.1-3-10" and insert **"IC 7.1-3"**.

Page 3, between lines 18 and 19, begin a new paragraph and insert:

**"(d) Money in the fund must be used to administer the responsible retail permittee program and may be used to compensate enforcement officers.**

**Sec. 8. The commission shall charge a fee of ten dollars (\$10) for an employee who:**

**(1) has not been issued a permit under IC 7.1-3-18-9; and**

**(2) is enrolled in a training program administered by an enforcement officer training unit.**

**The fee charged under this section must be deposited in the responsible retail permittee fund established by section 7 of this chapter."**

Page 3, line 19, delete "8." and insert **"9."**

Page 3, line 22, delete "9." and insert **"10."**

Page 3, line 29, delete "and".

Page 3, line 31, delete "." and insert **"; and**

**(4) the alleged violation is the first such violation by the employee in a twelve (12) month period."**

Page 3, line 32, delete "10." and insert **"11."**

Page 3, line 36, delete "11." and insert **"12."**

Page 3, line 42, strike "twenty dollars (\$20);" and insert **"thirty dollars (\$30);"**.

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

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

Page 4, delete lines 3 through 5.

Page 4, line 18, delete "Money in the fund".

Page 4, delete line 19.

Page 4, line 20, delete "program and may be used to compensate excise officers."

Page 4, line 25, delete "IC 7.1-4-1-38(a)(3)" and insert

**HB 1385—LS 7236/DI 100+**



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"IC 7.1-4-1-38(a)".

(Reference is to HB 1385 as printed January 28, 2000.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1385 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 4, line 20, reset in roman "IC".

(Reference is to HB 1385 as reprinted February 2, 2000.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred House Bill 1385, begs leave to report that said bill has been amended as directed.

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