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# HOUSE BILL No. 1455

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-2-3-16.5; IC 7.1-3; IC 7.1-5-7-11.

**Synopsis:** Sale of alcoholic beverages on Sunday. Allows alcoholic beverages to be sold by alcoholic beverage permittees on Sundays from noon until 12:30 a.m. the following day.

**Effective:** July 1, 2001.

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### Kuzman

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January 11, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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# HOUSE BILL No. 1455



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 7.1-2-3-16.5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16.5. (a) As used in this  
 3 section, "facility" includes the following:  
 4 (1) A facility to which IC 7.1-3-1-25(a) applies.  
 5 (2) ~~A tract that contains a premises that is described in~~  
 6 ~~IC 7.1-3-1-14(e)(2).~~  
 7 (3) (2) A horse track or satellite facility to which IC 7.1-3-17.7  
 8 applies.  
 9 (4) (3) A tract that contains an entertainment complex.  
 10 (b) As used in this section, "tract" has the meaning set forth in  
 11 IC 6-1.1-1-22.5.  
 12 (c) A facility may advertise alcoholic beverages:  
 13 (1) in the facility's interior; or  
 14 (2) on the facility's exterior.  
 15 (d) The commission may not exercise the prohibition power  
 16 contained in section 16(a) of this chapter on advertising by a brewer,  
 17 distiller, rectifier, or vintner in or on a facility.



1 (e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may  
 2 provide advertising to a permittee that is a brewer, distiller, rectifier, or  
 3 vintner in exchange for compensation from that permittee.

4 SECTION 2. IC 7.1-3-1-14, AS AMENDED BY P.L.136-2000,  
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2001]: Sec. 14. (a) It is lawful for an appropriate permittee,  
 7 unless otherwise specifically provided in this title, to sell alcoholic  
 8 beverages each day Monday through Saturday from 7 a.m., prevailing  
 9 local time, until 3 a.m., prevailing local time, the following day **and on**  
 10 **Sunday from noon, prevailing local time, until 12:30 a.m.,**  
 11 **prevailing local time, the following day.** Sales shall cease wholly on  
 12 Sunday at 3 a.m.; prevailing local time; and not be resumed until the  
 13 following Monday at 7 a.m.; prevailing local time.

14 (b) It is lawful for the holder of a supplemental retailer's permit  
 15 which is not specified in subsection (c) to sell the appropriate alcoholic  
 16 beverages on Sunday from noon, prevailing local time, until 12:30 a.m.;  
 17 prevailing local time; the following day:

18 (c) It is lawful for the holder of a supplemental retailer's permit to  
 19 sell the appropriate alcoholic beverages on Sunday from 11:00 a.m.;  
 20 prevailing local time; until 12:30 a.m.; prevailing local time; the  
 21 following day if the holder of the permit meets the following criteria:

22 (1) the holder of the permit is a hotel; or

23 (2) the holder of the permit meets the requirements of 905  
 24 IAC 1-41-2(a).

25 (d) Notwithstanding subsections (b) and (c), if December 31 (New  
 26 Year's Eve) is on a Sunday, it is lawful for the holder of a supplemental  
 27 retailer's permit to sell the appropriate alcoholic beverages on Sunday,  
 28 December 31 from the time provided in subsection (b) or (c) until 3  
 29 a.m. the following day:

30 (e) It is lawful for the holder of a permit under this article to sell  
 31 alcoholic beverages at athletic or sports events held on Sunday upon  
 32 premises that:

33 (1) are described in section 25(a) of this chapter;

34 (2) are a facility used in connection with the operation of a paved  
 35 track more than two (2) miles in length that is used primarily in  
 36 the sport of auto racing; or

37 (3) are being used for a professional or an amateur tournament;  
 38 beginning one (1) hour before the scheduled starting time of the event  
 39 or; if the scheduled starting time of the event is 1 p.m. or later,  
 40 beginning at noon.

41 (f) (b) It is lawful for the holder of a valid beer, wine, or liquor  
 42 wholesaler's permit to sell to the holder of a valid retailer's or dealer's

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1 permit at any time.

2 SECTION 3. IC 7.1-3-20-12 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. The commission  
4 may issue a three-way permit for the sale of alcoholic beverages to the  
5 proprietor of a restaurant which is located outside the corporate limits  
6 of an incorporated city or town if the restaurant meets the additional  
7 requirements:

8 (1) It shall be a table service restaurant in which a patron is seated  
9 at a table and is served by a waiter or waitress and the food served  
10 is predominantly consumed on the premises.

11 (2) It shall be sufficiently served by adequate law enforcement at  
12 its premises.

13 (3) If it does business during seven (7) or more months of each  
14 year, it shall have had an annual gross food sales of at least one  
15 hundred thousand dollars (\$100,000) for the three (3) years  
16 immediately preceding its application for a permit. ~~unless the~~  
17 ~~permittee is the proprietor of a recreational facility such as a golf~~  
18 ~~course, bowling center, or similar facility to which~~  
19 ~~IC 7.1-3-16.5-2(c) applies.~~

20 (4) If it does business during six (6) or fewer months of each year,  
21 it shall have had average monthly gross food sales of at least eight  
22 thousand five hundred dollars (\$8,500) for each month it did  
23 business for the three (3) years immediately preceding its  
24 application for a permit.

25 SECTION 4. IC 7.1-3-20-13.5 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13.5. Notwithstanding  
27 sections 12 and 13 of this chapter, ~~IC 7.1-3-16.5-2(c), and~~  
28 ~~IC 7.1-3-16.5-3(c),~~ there is no annual or monthly gross food sales  
29 requirement to obtain a three-way permit ~~or a supplemental retailer's~~  
30 ~~permit~~ for the sale of alcoholic beverages in a restaurant that is:

31 (1) open to the general public; and

32 (2) located on:

33 (A) the grounds of a regulation size golf course that has at  
34 least nine (9) holes; or

35 (B) the premises of a tennis club that has at least eight (8)  
36 regulation size tennis courts.

37 SECTION 5. IC 7.1-5-7-11, AS AMENDED BY P.L.117-2000,  
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2001]: Sec. 11. (a) The provisions of sections 9 and 10 of this  
40 chapter shall not apply if the public place involved is one (1) of the  
41 following:

42 (1) Civic center.

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- 1 (2) Convention center.  
 2 (3) Sports arena.  
 3 (4) Bowling center.  
 4 (5) Bona fide club.  
 5 (6) Drug store.  
 6 (7) Grocery store.  
 7 (8) Boat.  
 8 (9) Dining car.  
 9 (10) Pullman car.  
 10 (11) Club car.  
 11 (12) Passenger airplane.  
 12 (13) Horse racetrack facility holding a recognized meeting permit  
 13 under IC 4-31-5.  
 14 (14) Satellite facility (as defined in IC 4-31-2-20.5).  
 15 (15) Catering hall under IC 7.1-3-20-24 that is not open to the  
 16 public.  
 17 (16) That part of a hotel or restaurant which is separate from a  
 18 room in which is located a bar over which alcoholic beverages are  
 19 sold or dispensed by the drink.  
 20 (17) Entertainment complex.  
 21 (18) Indoor golf facility.  
 22 (19) A recreational facility such as a golf course, bowling center,  
 23 or similar facility. ~~to which IC 7.1-3-16.5-2(c) applies.~~  
 24 (b) For the purpose of this subsection, "food" means meals prepared  
 25 on the licensed premises. It is lawful for a minor to be on licensed  
 26 premises in a room in which is located a bar over which alcoholic  
 27 beverages are sold or dispensed by the drink if all the following  
 28 conditions are met:  
 29 (1) The minor is eighteen (18) years of age or older.  
 30 (2) The minor is in the company of a parent, guardian, or family  
 31 member who is twenty-one (21) years of age or older.  
 32 (3) The purpose for being on the licensed premises is the  
 33 consumption of food and not the consumption of alcoholic  
 34 beverages.  
 35 SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 36 JULY 1, 2001]: IC 7.1-3-16.5; IC 7.1-3-20-2.5.

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