

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6410**

**BILL NUMBER:** SB 119

**NOTE PREPARED:** Feb 2, 2010

**BILL AMENDED:** Feb 1, 2010

**SUBJECT:** Alcoholic Beverage Sales.

**FIRST AUTHOR:** Sen. Alting

**FIRST SPONSOR:** Rep. VanHaften

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Alcohol Sale Hours on Sunday:* This bill allows the holder of a retailer's permit to sell alcoholic beverages on Sunday from 7 a.m. until 3 a.m. the following day. (Under current law, the holder of a retailer permit may sell alcoholic beverages on Sunday from 10 a.m. until 12:30 a.m. the following day).

*Penalty Provision:* The bill makes it a Class B misdemeanor for an alcoholic beverage permittee or permittee's employee or agent to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person alcoholic beverages for carryout without first requiring the person to produce proof that the person is at least 21 years of age by: (1) a driver's license; (2) a government issued identification card; or (3) a government issued document; that bears the person's photograph and birth date.

*Criminal or Administrative Proceedings Concerning Sales of Alcoholic Beverages to Minors:* The bill provides that it is a defense in a criminal or administrative proceeding that the individual to whom the alcoholic beverages were sold appeared to be at least 50 years of age. It provides that, in a criminal prosecution or proceeding before the Alcohol and Tobacco Commission, it is a defense to a charge of unlawfully furnishing alcohol to a minor that the purchaser produced a government issued document bearing the purchaser's photograph and showing the purchaser to be at least 21 years of age.

*Sign Requiring Identification for Purchase of Alcoholic Beverages for Carryout:* It requires a permittee who sells alcoholic beverages for carryout to post a sign that informs consumers that state law requires a purchaser to produce identification to purchase alcoholic beverages for carryout.

**Effective Date:** (Amended) Upon passage; July 1, 2010.

**Explanation of State Expenditures:** (Revised) *Sign Requiring Identification for Purchase of Alcoholic Beverages for Carryout:* This bill provides that the Alcohol and Tobacco Commission may prepare signs for permittees that sell alcoholic beverages for carryout that states the following: State law requires identification for sales of alcoholic beverages for carryout. The Commission is allowed to charge a fee to cover the costs for preparing these signs.

**Explanation of State Revenues:** *Alcohol Sale Hours on Sunday:* This bill expands the hours on Sunday a holder of a retailers permit can sell alcoholic beverage. It is estimated that this provision could potentially result in a minimal increase in revenue each fiscal year.

While it is assumed that the majority of consumers are able to purchase all the alcoholic beverages they desire to consume within the hours dictated by current law, it is possible that the added convenience and availability of alcohol sales during the extended hours on Sundays may allow consumers to purchase more alcoholic beverages than they would have otherwise. The extent to which consumers may make additional purchases above what would be purchased under current law is unknown.

Excise tax revenue is deposited in the state General Fund, the Enforcement and Administration Fund, the Pension Relief Fund, the Addiction Services Fund, the Wine Grape Market Development Fund, and the Post War Construction Fund.

(Revised) *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

**Explanation of Local Expenditures:** (Revised) *Penalty Provision:* A Class B misdemeanor is punishable by up to 180 days in jail.

**Explanation of Local Revenues:** (Revised) *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:** Alcohol and Tobacco Commission.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Jessica Harmon, 317-232-9854.