



Reprinted  
April 21, 2011

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# ENGROSSED HOUSE BILL No. 1325

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DIGEST OF HB 1325 (Updated April 20, 2011 11:21 pm - DI 110)

**Citations Affected:** IC 7.1-3; IC 7.1-5.

**Synopsis:** Makes it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person who is or reasonably appears to be less than 50 years of age an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce specified identification showing that the person is at least 21 years of age. (Current law makes  
(Continued next page)

**Effective:** July 1, 2011.

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## Steuerwald, Pelath, Saunders, Austin

(SENATE SPONSORS — MERRITT, ALTING, HUME, ARNOLD)

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January 13, 2011, read first time and referred to Committee on Public Policy.  
January 27, 2011, amended, reported — Do Pass.  
January 31, 2011, read second time, ordered engrossed. Engrossed.  
February 3, 2011, read third time, passed. Yeas 91, nays 7.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Public Policy.  
April 7, 2011, amended, reported favorably — Do Pass.  
April 20, 2011, read second time, amended, ordered engrossed.

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Digest Continued

it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce specified identification showing that the person is at least 21 years of age.) Provides that only the alcohol and tobacco commission may conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with certain alcoholic beverage laws. (Under current law, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may also conduct random unannounced inspections.) Provides that the holder of a club permit for alcoholic beverages may designate as "guest day" or "guest days" three or fewer days in a month or nine or fewer consecutive days in a quarter. (Current law allows a holder of a club permit to designate one day each month as a "guest day".)

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1325

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A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning alcohol and tobacco.

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

- 1 SECTION 1. IC 7.1-3-20-8.6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8.6. (a) The holder of  
3 a club permit may do the following:  
4 (1) Designate ~~one (1) day~~ as "guest day" or "guest days":  
5 (A) **three (3) or fewer days** in each a month; as "guest day"  
6 or  
7 (B) **nine (9) or fewer consecutive days in a quarter.**  
8 (2) Keep a record of all designated guest days.  
9 (3) Invite guests who are not members of the club to attend the  
10 club on a guest day.  
11 (4) Sell or give alcoholic beverages to guests for consumption on  
12 the permit premises on a guest day.  
13 (5) Keep a guest book listing members and their nonmember  
14 guests, except on a designated guest day.  
15 (b) This subsection applies to a club that furnishes alcoholic  
16 beverages on not more than two (2) days in each week.  
17 Notwithstanding subsection (a)(1), the holder of a club permit to which

**EH 1325—LS 6080/DI 110+**



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1 this subsection applies may designate twenty-four (24) guest days in  
2 each calendar year rather than one (1) guest day in each month.

3 SECTION 2. IC 7.1-5-7-16, AS ADDED BY P.L.94-2008,  
4 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2011]: Sec. 16. The commission shall conduct random  
6 unannounced inspections at locations where alcoholic beverages are  
7 sold or distributed to ensure compliance with this title. Only the  
8 commission ~~an Indiana law enforcement agency, the office of the~~  
9 ~~sheriff of a county, or an organized police department of a municipal~~  
10 ~~corporation~~ may conduct the random unannounced inspections. ~~These~~  
11 ~~entities~~ **The commission** may use retired or off duty law enforcement  
12 officers to conduct inspections under this section.

13 SECTION 3. IC 7.1-5-10-23, AS ADDED BY P.L.10-2010,  
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2011]: Sec. 23. ~~(a)~~ It is a Class B misdemeanor for a permittee  
16 or an employee or agent of a permittee to recklessly, knowingly, or  
17 intentionally sell, barter, exchange, provide, or furnish another person  
18 **who is or reasonably appears to be less than fifty (50) years of age**  
19 an alcoholic beverage for consumption off the licensed premises  
20 without first requiring the person to produce:

- 21 (1) a driver's license;
- 22 (2) an identification card issued under IC 9-24-16-1 or a similar  
23 card issued under the laws of another state or the federal  
24 government; or
- 25 (3) a government issued document;

26 bearing the person's photograph and birth date showing that the person  
27 is at least twenty-one (21) years of age.

28 ~~(b) In a criminal or administrative proceeding, it is a defense to a~~  
29 ~~charge under this section that the individual to whom the permittee or~~  
30 ~~employee or agent of the permittee sold, bartered, exchanged, provided;~~  
31 ~~or furnished alcoholic beverages for consumption off the licensed~~  
32 ~~premises was or reasonably appeared to be more than fifty (50) years~~  
33 ~~of age.~~

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1325, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1325 as introduced.)

DAVIS, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1325, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-5-7-16, AS ADDED BY P.L.94-2008, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. The commission shall conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with this title. Only the commission an ~~Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation~~ may conduct the random unannounced inspections. ~~These entities~~ **The commission** may use retired or off duty law enforcement officers to conduct inspections under this section."

Page 1, line 6, delete "forty (40)" and insert "**fifty (50)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1325 as printed January 28, 2011.)

ALTING, Chairperson

Committee Vote: Yeas 6, Nays 3.

**EH 1325—LS 6080/DI 110+**



SENATE MOTION

Madam President: I move that Engrossed House Bill 1325 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-20-8.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8.6. (a) The holder of a club permit may do the following:

- (1) Designate ~~one (1) day~~ as **"guest day" or "guest days"**:
  - (A) **three (3) or fewer days** in each a month; as ~~"guest day"~~
  - or
  - (B) **nine (9) or fewer consecutive days in a quarter.**
- (2) Keep a record of all designated guest days.
- (3) Invite guests who are not members of the club to attend the club on a guest day.
- (4) Sell or give alcoholic beverages to guests for consumption on the permit premises on a guest day.
- (5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.

(b) This subsection applies to a club that furnishes alcoholic beverages on not more than two (2) days in each week. Notwithstanding subsection (a)(1), the holder of a club permit to which this subsection applies may designate twenty-four (24) guest days in each calendar year rather than one (1) guest day in each month."

Re-number all SECTIONS consecutively.

(Reference is to EHB 1325 as printed April 8, 2011.)

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