



Reprinted
April 6, 2011

**ENGROSSED
SENATE BILL No. 78**

DIGEST OF SB 78 (Updated April 5, 2011 2:07 pm - DI 110)

Citations Affected: IC 7.1-5; noncode.

Synopsis: Identification requirements for alcohol purchases. 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 40 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 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.) Urges the legislative council to assign the topic of which state agency should have authority to control dangerous alcohol products to an existing study committee for study.

Effective: July 1, 2011.

**Merritt, Alting, Nugent, Tomes,
Head, Arnold, Randolph, Landske,
Leising**

(HOUSE SPONSOR — STEUERWALD)

January 5, 2011, read first time and referred to Committee on Public Policy.
February 14, 2011, reported favorably — Do Pass.
February 15, 2011, read second time, ordered engrossed.
February 16, 2011, engrossed.
February 17, 2011, read third time, passed. Yeas 47, nays 3.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Public Policy.
March 31, 2011, reported — Do Pass.
April 5, 2011, read second time, amended, ordered engrossed.

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ES 78—LS 6237/DI 110+



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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 SENATE BILL No. 78

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

1 SECTION 1. IC 7.1-5-10-23, AS ADDED BY P.L.10-2010,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 23. ~~(a)~~ It is a Class B misdemeanor for a permittee
4 or an employee or agent of a permittee to recklessly, knowingly, or
5 intentionally sell, barter, exchange, provide, or furnish another person
6 **who is or reasonably appears to be less than forty (40) years of age**
7 an alcoholic beverage for consumption off the licensed premises
8 without first requiring the person to produce:
9 (1) a driver's license;
10 (2) an identification card issued under IC 9-24-16-1 or a similar
11 card issued under the laws of another state or the federal
12 government; or
13 (3) a government issued document;
14 bearing the person's photograph and birth date showing that the person
15 is at least twenty-one (21) years of age.
16 ~~(b) In a criminal or administrative proceeding, it is a defense to a~~
17 ~~charge under this section that the individual to whom the permittee or~~

ES 78—LS 6237/DI 110+



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1 employee or agent of the permittee sold, bartered, exchanged, provided,
2 or furnished alcoholic beverages for consumption off the licensed
3 premises was or reasonably appeared to be more than fifty (50) years
4 of age.
5 SECTION 2. [EFFECTIVE JULY 1, 2011] (a) The general
6 assembly urges the legislative council to assign the topic of which
7 state agency should have authority to control dangerous alcohol
8 products to an existing study committee for study.
9 (b) If the topic of which state agency should have authority to
10 control dangerous alcohol products is assigned to an existing study
11 committee under subsection (a), the study committee shall issue a
12 final report to the legislative council containing the study
13 committee's finding and recommendations, including any
14 recommended legislation concerning the topic, not later than
15 November 1, 2011.
16 (c) This SECTION expires December 31, 2011.

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COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 78, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 78 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 7, Nays 2.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 78, 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.

DAVIS, Chair

Committee Vote: yeas 9, nays 0.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 78 be amended to read as follows:

Page 2, after line 4, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2011] (a) The general assembly urges the legislative council to assign the topic of which state agency should have authority to control dangerous alcohol products to an existing study committee for study.

(b) If the topic of which state agency should have authority to control dangerous alcohol products is assigned to an existing study committee under subsection (a), the study committee shall issue a final report to the legislative council containing the study committee's finding and recommendations, including any

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recommended legislation concerning the topic, not later than November 1, 2011.

(c) This SECTION expires December 31, 2011."

(Reference is to ESB 78 as printed April 1, 2011.)

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