
SENATE BILL No. 197

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-2-3-16.5; IC 7.1-3; IC 7.1-4; IC 7.1-5; IC 7.1-3-10-5.

Synopsis: Alcoholic beverage matters. Creates a supplemental dealer's permit and a cold beer dealer's permit. Provides that a supplemental dealer's permit may be issued only to a holder of a beer, wine, or liquor dealer's permit. Allows the holder of a supplemental dealer's permit to sell alcoholic beverages for carryout on Sunday. Allows the holder of a cold beer dealer's permit to sell cold beer. Establishes fees for a supplemental dealer's permits and a cold beer dealer's permits. Requires the fees to be deposited in the enforcement and administration fund of the alcohol and tobacco commission. Allows the: (1) holder of a package liquor store permit, farm winery, or a microbrewery permit to sell carryout alcoholic beverages on Sunday without a supplemental dealer's permit; and (2) holder of a package liquor store permit to sell cold beer without a cold beer dealer's permit. Allows a minor to be on the licensed premises of a package liquor store if the minor is accompanied by the minor's parent or guardian who is at least 21 years of age. Eliminates residency requirements for alcoholic beverage dealers. Repeals a provision that limits the commodities that a package liquor store may sell.

Effective: July 1, 2011.

Boots

January 5, 2011, read first time and referred to Committee on Public Policy.

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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.

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SENATE BILL No. 197



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 7.1-2-3-16.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: 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(c)(2)~~; **IC 7.1-3-1-14(d)(2)**.
- 7 (3) A horse track or satellite facility to which IC 7.1-3-17.7
- 8 applies.
- 9 (4) 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.10-2010,
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: 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. Sales
10 shall cease wholly on Sunday at 3 a.m., prevailing local time, and not
11 be resumed until the following Monday at 7 a.m., prevailing local time.

12 (b) It is lawful for the holder of a retailer's permit to sell the
13 appropriate alcoholic beverages **only** for consumption on the licensed
14 premises ~~only~~ on Sunday from 7 a.m., prevailing local time, until 3
15 a.m., prevailing local time, the following day.

16 **(c) It is lawful for the holder of a:**
17 **(1) supplemental dealer's permit;**
18 **(2) liquor dealer's permit for a package liquor store;**
19 **(3) farm winery permit; or**
20 **(4) brewer's permit for a brewery that manufactures not**
21 **more than twenty thousand (20,000) barrels of beer in a**
22 **calendar year;**
23 **to sell on Sunday, from 7 a.m., prevailing local time, until 3 a.m.,**
24 **prevailing local time, the following day, the appropriate alcoholic**
25 **beverages for consumption only off the licensed premises.**

26 ~~(c)~~ **(d)** It is lawful for the holder of a permit under this article to sell
27 alcoholic beverages at athletic or sports events held on Sunday upon
28 premises that:

- 29 (1) are described in section 25(a) of this chapter;
30 (2) are a facility used in connection with the operation of a paved
31 track more than two (2) miles in length that is used primarily in
32 the sport of auto racing; or
33 (3) are being used for a professional or an amateur tournament;
34 beginning one (1) hour before the scheduled starting time of the event
35 or, if the scheduled starting time of the event is 1 p.m. or later,
36 beginning at noon.

37 ~~(d)~~ **(e)** It is lawful for the holder of a valid beer, wine, or liquor
38 wholesaler's permit to sell to the holder of a valid retailer's or dealer's
39 permit at any time.

40 SECTION 3. IC 7.1-3-2-7, AS AMENDED BY P.L.10-2010,
41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 7. The holder of a brewer's permit or an

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- 1 out-of-state brewer holding either a primary source of supply permit or
- 2 an out-of-state brewer's permit may do the following:
- 3 (1) Manufacture beer.
- 4 (2) Place beer in containers or bottles.
- 5 (3) Transport beer.
- 6 (4) Sell and deliver beer to a person holding a beer wholesaler's
- 7 permit issued under IC 7.1-3-3.
- 8 (5) If the brewer's brewery manufactures not more than twenty
- 9 thousand (20,000) barrels of beer in a calendar year, do the
- 10 following:
- 11 (A) Sell and deliver beer to a person holding a retailer or a
- 12 dealer permit under this title.
- 13 (B) Be the proprietor of a restaurant.
- 14 (C) Hold a beer retailer's permit, a wine retailer's permit, or a
- 15 liquor retailer's permit for a restaurant established under clause
- 16 (B).
- 17 (D) Transfer beer directly from the brewery to the restaurant
- 18 by means of:
- 19 (i) bulk containers; or
- 20 (ii) a continuous flow system.
- 21 (E) Install a window between the brewery and an adjacent
- 22 restaurant that allows the public and the permittee to view both
- 23 premises.
- 24 (F) Install a doorway or other opening between the brewery
- 25 and an adjacent restaurant that provides the public and the
- 26 permittee with access to both premises.
- 27 (G) Sell the brewery's beer by the glass for consumption on the
- 28 premises. Brewers permitted to sell beer by the glass under
- 29 this clause must furnish the minimum food requirements
- 30 prescribed by the commission.
- 31 (H) Sell and deliver beer to a consumer at the permit premises
- 32 of the brewer or at the residence of the consumer. The delivery
- 33 to a consumer may be made only in a quantity at any one (1)
- 34 time of not more than one-half (1/2) barrel, but the beer may
- 35 be contained in bottles or other permissible containers.
- 36 (I) Sell the brewery's beer as authorized by this section **and as**
- 37 **provided in IC 7.1-3-1-14** for carryout on Sunday in a
- 38 quantity at any one (1) time of not more than five hundred
- 39 seventy-six (576) ounces. A brewer's beer may be sold under
- 40 this clause only at the address for which the brewer's permit
- 41 was issued under this chapter.
- 42 (6) If the brewer's brewery manufactures more than twenty

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1 thousand (20,000) barrels of beer in a calendar year, own a
 2 portion of the corporate stock of another brewery that:
 3 (A) is located in the same county as the brewer's brewery;
 4 (B) manufactures less than twenty thousand (20,000) barrels
 5 of beer in a calendar year; and
 6 (C) is the proprietor of a restaurant that operates under
 7 subdivision (5).
 8 (7) Provide complimentary samples of beer that are:
 9 (A) produced by the brewer; and
 10 (B) offered to consumers for consumption on the brewer's
 11 premises.
 12 (8) Own a portion of the corporate stock of a sports corporation
 13 that:
 14 (A) manages a minor league baseball stadium located in the
 15 same county as the brewer's brewery; and
 16 (B) holds a beer retailer's permit, a wine retailer's permit, or a
 17 liquor retailer's permit for a restaurant located in that stadium.
 18 (9) For beer described in IC 7.1-1-2-3(a)(4):
 19 (A) may allow transportation to and consumption of the beer
 20 on the licensed premises; and
 21 (B) may not sell, offer to sell, or allow sale of the beer on the
 22 licensed premises.
 23 SECTION 4. IC 7.1-3-3-5, AS AMENDED BY P.L.94-2008,
 24 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]: Sec. 5. (a) The holder of a beer wholesaler's permit
 26 may purchase and import from the primary source of supply, possess,
 27 and sell at wholesale, beer and flavored malt beverages manufactured
 28 within or without this state.
 29 (b) A beer wholesaler permittee may possess, transport, sell, and
 30 deliver beer to:
 31 (1) another beer wholesaler authorized by the brewer to sell the
 32 brand purchased;
 33 (2) an employee; or
 34 (3) a holder of a beer retailer's permit, beer dealer's permit,
 35 temporary beer permit, dining car permit, boat permit, airplane
 36 permit, ~~or~~ supplemental caterer's permit, **supplemental dealer's**
 37 **permit, or cold beer dealer's permit;**
 38 located within this state. The sale, transportation, and delivery of beer
 39 shall be made only from inventory that has been located on the
 40 wholesaler's premises before the time of invoicing and delivery.
 41 (c) The beer wholesaler's bona fide regular employees may purchase
 42 beer from the wholesaler in:

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1 (1) bottles, cans, or any other type of permissible containers in an
2 amount not to exceed forty-eight (48) pints; or

3 (2) one (1) keg;
4 at any one (1) time.

5 (d) The importation, transportation, possession, sale, and delivery
6 of beer shall be subject to the rules of the commission and subject to
7 the same restrictions provided in this title for a person holding a
8 brewer's permit.

9 (e) **Except as provided in subsection (f), the holder of a beer**
10 **wholesaler's permit may purchase, import, possess, transport, sell, and**
11 **deliver any commodity listed in ~~IC 7.1-3-10-5~~, of the following**
12 **commodities unless prohibited by this title: However,**

13 **(1) Beer in permissible containers, if the permittee has the**
14 **proper permit.**

15 **(2) Bar supplies used in the preparation for consumption of**
16 **alcoholic beverages and in their consumption.**

17 **(3) Tobacco products.**

18 **(4) Uncooled and uniced charged water, carbonated soda,**
19 **ginger ale, mineral water, grenadine, and flavoring extracts.**

20 **(5) Printed materials.**

21 **(6) Lottery tickets as provided in IC 4-30-9.**

22 **(7) Cooled or uncooled nonalcoholic malt beverages.**

23 **(8) Flavored malt beverage in its original package.**

24 **(f) A beer wholesaler may deliver flavored malt beverages only to**
25 **the holder of one (1) of the following permits:**

26 (1) A beer wholesaler or wine wholesaler permit, if the wholesaler
27 is authorized by the primary source of supply to sell the brand of
28 flavored malt beverage purchased.

29 (2) A wine retailer's permit, wine dealer's permit, temporary wine
30 permit, dining car wine permit, boat permit, airplane permit, or
31 supplemental caterer's permit, **supplemental dealer's permit, or**
32 **a cold beer dealer's permit.**

33 ~~(f)~~ **(g) A beer wholesaler may:**

34 (1) store beer for an out-of-state brewer described in IC 7.1-3-2-9
35 and deliver the stored beer to another beer wholesaler that the
36 out-of-state brewer authorizes to sell the beer;

37 (2) perform all necessary accounting and auditing functions
38 associated with the services described in subdivision (1); and

39 (3) receive a fee from an out-of-state brewer for the services
40 described in subdivisions (1) through (2).

41 SECTION 5. IC 7.1-3-5-3 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The holder of a

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1 beer dealer's permit shall be entitled to purchase beer for sale under the
2 permit only from a permittee entitled to sell to a beer dealer under this
3 title.

4 (b) A beer dealer shall be entitled to possess beer and sell it at retail
5 to a customer in permissible containers only.

6 (c) A beer dealer may not sell beer by the drink nor for consumption
7 on the licensed premises nor shall a beer dealer allow it to be consumed
8 on the licensed premises.

9 (d) Except as provided in subsection (e), a beer dealer shall be
10 entitled to sell beer to a customer and deliver it in permissible
11 containers to the customer on the licensed premises, or to the
12 customer's residence or office. A beer dealer shall not be entitled to sell
13 and deliver beer on the street or at the curb outside the licensed
14 premises, nor shall a beer dealer be entitled to sell beer at a place other
15 than the licensed premises. A beer dealer shall not be entitled to sell
16 beer and deliver beer for carry-out, or for delivery to a customer's
17 residence or office, in a quantity that exceeds eight hundred sixty-four
18 (864) ounces in a single transaction. However, ~~notwithstanding~~
19 ~~IC 7.1-5-10-11~~, a beer dealer who is licensed pursuant to IC 7.1-3-10-4
20 shall be entitled to sell and deliver warm or cold beer for carry-out, or
21 for delivery to a customer's residence, office, or a designated location
22 in barrels or other commercial containers that do not exceed two
23 thousand sixteen (2,016) ounces per container. This delivery may only
24 be performed by the permit holder or an employee who holds an
25 employee permit. The permit holder shall maintain a written record of
26 each delivery for at least one (1) year that shows the customer's name,
27 location of delivery, and quantity sold.

28 (e) Unless a beer dealer is a grocery store or drug store, a beer
29 dealer may not sell or deliver alcoholic beverages or any other item
30 through a window in the licensed premises to a patron who is outside
31 the licensed premises. A beer dealer that is a grocery store or drug store
32 may sell any item except alcoholic beverages through a window in the
33 licensed premises to a patron who is outside the licensed premises.

34 SECTION 6. IC 7.1-3-8-3, AS AMENDED BY P.L.94-2008,
35 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2011]: Sec. 3. (a) The holder of a liquor wholesaler's permit
37 shall be entitled to sell liquor at wholesale.

38 (b) A liquor wholesaler shall be entitled to purchase liquor within
39 this state from a person who holds a distiller's permit, a rectifier's
40 permit, or a liquor wholesaler's permit. A liquor wholesaler also may
41 purchase liquor outside this state from the primary source of supply
42 and, from that source, may transport and import liquor into this state.

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1 (c) A liquor wholesaler may sell, transport, and deliver liquor only
2 to a person who, under this title, holds a:

- 3 (1) liquor retailer's permit;
4 (2) supplemental caterer's permit;
5 (3) liquor dealer's permit; ~~or~~
6 (4) liquor wholesaler's permit; **or**
7 **(5) supplemental dealer's permit.**

8 The sale, transportation, and delivery of liquor shall be made only from
9 inventory that has been located on the wholesaler's premises before the
10 time of invoicing and delivery, and only in permissible containers and
11 is subject to the rules of the commission fixing the quantity which may
12 be sold or delivered at any one (1) time.

13 (d) A liquor wholesaler's bona fide regular employees may purchase
14 liquor from the wholesaler in an amount not to exceed eighteen (18)
15 liters.

16 SECTION 7. IC 7.1-3-9-12 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) This section
18 applies to:

- 19 (1) the holder of a three-way permit that is issued to a civic
20 center, a sports arena, a stadium, an exhibition hall, an
21 auditorium, a theater, a tract that contains a premises that is
22 described in ~~IC 7.1-3-1-14(e)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a
23 convention center; or
24 (2) the holder of a catering permit while catering alcoholic
25 beverages at a civic center, a sports arena, a stadium, an
26 exhibition hall, an auditorium, a theater, a tract that contains a
27 premises that is described in ~~IC 7.1-3-1-14(c)(2)~~,
28 **IC 7.1-3-1-14(d)(2)**, or a convention center.

29 (b) As used in this section, "suite" means an area in a building or
30 facility referred to in subsection (a) that:

- 31 (1) is not accessible to the general public;
32 (2) has accommodations for not more than seventy-five (75)
33 persons per suite; and
34 (3) is accessible only to persons who possess a ticket:
35 (A) to an event in a building or facility referred to in
36 subsection (a); and
37 (B) that entitles the person to occupy the area while viewing
38 the event described in clause (A).

39 The term does not include a restaurant, lounge, or concession area,
40 even if access to the restaurant, lounge, or concession area is limited to
41 certain ticket holders.

42 (c) A permittee may allow the self-service of individual servings of

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- 1 alcoholic beverages in a suite.
- 2 (d) A person who:
- 3 (1) possesses a ticket described in subsection (b)(3); and
- 4 (2) is at least twenty-one (21) years of age;
- 5 may obtain an alcoholic beverage in a suite by self-service.
- 6 (e) A permittee may do any of the following:
- 7 (1) Demand that a person occupying a suite provide:
- 8 (A) a written statement under IC 7.1-5-7-4; and
- 9 (B) identification indicating that the person is at least
- 10 twenty-one (21) years of age.
- 11 (2) Supervise the self-service of alcoholic beverages.
- 12 (3) Have an employee in the suite who holds an employee permit
- 13 under IC 7.1-3-18-9 to serve some or all of the alcoholic
- 14 beverages.

15 SECTION 8. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2011]: **Sec. 14. The holder of a liquor dealer's permit for a**
 18 **package liquor store may sell on Sunday, as provided in**
 19 **IC 7.1-3-1-14, alcoholic beverages for consumption only off the**
 20 **licensed premises.**

- 21 SECTION 9. IC 7.1-3-12-5, AS AMENDED BY P.L.165-2006,
 22 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 5. (a) The holder of a farm winery permit:
- 24 (1) is entitled to manufacture wine and to bottle wine produced by
 - 25 the permit holder's farm winery;
 - 26 (2) is entitled to serve complimentary samples of the winery's
 - 27 wine on the licensed premises or an outside area that is
 - 28 contiguous to the licensed premises as approved by the
 - 29 commission if each employee who serves wine on the licensed
 - 30 premises:
 - 31 (A) holds an employee permit under IC 7.1-3-18-9; and
 - 32 (B) completes a server training program approved by the
 - 33 commission;
 - 34 (3) is entitled to sell the winery's wine on the licensed premises to
 - 35 consumers either by the glass, or by the bottle, or both;
 - 36 (4) is entitled to sell the winery's wine to consumers by the bottle
 - 37 at a farmers' market that is operated on a nonprofit basis;
 - 38 (5) is entitled to sell wine by the bottle or by the case to a person
 - 39 who is the holder of a permit to sell wine at wholesale;
 - 40 (6) is exempt from the provisions of IC 7.1-3-14;
 - 41 (7) is entitled to advertise the name and address of any retailer or
 - 42 dealer who sells wine produced by the permit holder's winery;

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- 1 (8) for wine described in IC 7.1-1-2-3(a)(4):
- 2 (A) may allow transportation to and consumption of the wine
- 3 on the licensed premises; and
- 4 (B) may not sell, offer to sell, or allow the sale of the wine on
- 5 the licensed premises;
- 6 (9) is entitled to purchase and sell bulk wine as set forth in this
- 7 chapter;
- 8 (10) is entitled to sell wine as authorized by this section **and as**
- 9 **provided in IC 7.1-3-1-14** for carryout on Sunday; and
- 10 (11) is entitled to sell and ship the farm winery's wine to a person
- 11 located in another state in accordance with the laws of the other
- 12 state.

13 (b) With the approval of the commission, a holder of a permit under
 14 this chapter may conduct business at not more than three (3) additional
 15 locations that are separate from the winery. At the additional locations,
 16 the holder of a permit may conduct any business that is authorized at
 17 the first location, except for the manufacturing or bottling of wine.

18 (c) With the approval of the commission, a holder of a permit under
 19 this chapter may, individually or with other permit holders under this
 20 chapter, participate in a trade show or an exposition at which products
 21 of each permit holder participant are displayed, promoted, and sold.
 22 The commission may not grant approval under this subsection to a
 23 holder of a permit under this chapter for more than thirty (30) days in
 24 a calendar year.

25 SECTION 10. IC 7.1-3-13-3, AS AMENDED BY P.L.165-2006,
 26 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2011]: Sec. 3. (a) The holder of a wine wholesaler's permit
 28 may purchase, import, and transport wine, brandy, or flavored malt
 29 beverage from the primary source of supply. A wine wholesaler may
 30 export and transport wine, brandy, or flavored malt beverage by the
 31 bottle, barrel, cask, or other container to points outside Indiana. A wine
 32 wholesaler is entitled to sell, furnish, and deliver wine or flavored malt
 33 beverage from inventory that has been located on the wholesaler's
 34 premises before the time of invoicing and delivery to a wine
 35 wholesaler, a wine retailer, a supplemental caterer, a temporary wine
 36 permittee, ~~and~~ a wine dealer, **and a supplemental dealer**, but not at
 37 retail. A wine wholesaler may sell, furnish, and deliver brandy from
 38 inventory that has been located on the wholesaler's premises before the
 39 time of invoicing and delivery, but not at retail, only to a person who
 40 holds a liquor retailer's permit, a supplemental caterer's permit, ~~or~~ a
 41 liquor dealer's permit, **or a supplemental dealer's permit**. A holder of
 42 a wine wholesaler's permit may sell wine to the wine wholesaler's bona

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1 fide regular employees.

2 (b) As used in this section, "brandy" means:

3 (1) any alcoholic distillate described in 27 CFR 5.22(d) as in

4 effect on January 1, 1983; or

5 (2) a beverage product that:

6 (A) is prepared from a liquid described in subdivision (1);

7 (B) is classified as a cordial or liqueur as defined in 27 CFR

8 5.22(h) as in effect on January 1, 1997; and

9 (C) meets the following requirements:

10 (i) At least sixty-six and two-thirds percent (66 2/3%) of the

11 product's alcohol content is composed of a substance

12 described in subdivision (1).

13 (ii) The product's label makes no reference to any distilled

14 spirit other than brandy.

15 (iii) The product's alcohol content is not less than sixteen

16 percent (16%) by volume or thirty-two (32) degrees proof.

17 (iv) The product contains dairy cream.

18 (v) The product's sugar, dextrose, or levulose content is at

19 least twenty percent (20%) of the product's weight.

20 (vi) The product contains caramel coloring.

21 (c) Nothing in this section allows a wine wholesaler to sell, give,

22 purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless

23 the wine wholesaler also holds a beer wholesaler's permit under

24 IC 7.1-3-3-1.

25 (d) A wine wholesaler that also holds a liquor wholesaler's permit

26 under IC 7.1-3-8 may not:

27 (1) hold a beer wholesaler's permit under IC 7.1-3-3;

28 (2) possess, sell, or transport beer; or

29 (3) sell more than one million (1,000,000) gallons of flavored

30 malt beverage during a calendar year.

31 SECTION 11. IC 7.1-3-21-3, AS AMENDED BY P.L.165-2006,

32 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

33 JULY 1, 2011]: Sec. 3. The commission shall not issue:

34 (1) an alcoholic beverage retailer's or dealer's permit of any type;

35 or

36 (2) a liquor wholesaler's permit;

37 to a person who has not been a continuous and bona fide resident of

38 Indiana for five (5) years immediately preceding the date of the

39 application for a permit.

40 SECTION 12. IC 7.1-3-21-4, AS AMENDED BY P.L.165-2006,

41 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

42 JULY 1, 2011]: Sec. 4. The commission shall not issue:

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1 (1) a liquor wholesaler's permit; or
 2 (2) an alcoholic beverage retailer's ~~or dealer's~~ permit;
 3 of any type to a partnership unless each member of the partnership
 4 possesses the same qualifications as those required of an individual
 5 applicant for that particular type of permit.

6 SECTION 13. IC 7.1-3-21-5, AS AMENDED BY P.L.165-2006,
 7 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 5. (a) The commission shall not issue:

9 (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;
 10 or

11 (2) a liquor wholesaler's permit;
 12 to a corporation unless sixty percent (60%) of the outstanding common
 13 stock is owned by persons who have been continuous and bona fide
 14 residents of Indiana for five (5) years.

15 (b) The commission shall not issue a liquor wholesaler's permit to
 16 a corporation unless at least one (1) of the stockholders shall have been
 17 a resident, for at least one (1) year immediately prior to making
 18 application for the permit, of the county in which the licensed premises
 19 are to be situated.

20 (c) Each officer and stockholder of a corporation shall possess all
 21 other qualifications required of an individual applicant for that
 22 particular type of permit.

23 SECTION 14. IC 7.1-3-21-5.2, AS AMENDED BY P.L.165-2006,
 24 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]: Sec. 5.2. (a) The commission shall not issue:

26 (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;
 27 or

28 (2) a liquor wholesaler's permit;
 29 to a limited partnership unless at least sixty percent (60%) of the
 30 partnership interest is owned by persons who have been continuous and
 31 bona fide residents of Indiana for five (5) years.

32 (b) The commission shall not issue a liquor wholesaler's permit to
 33 a limited partnership unless for at least one (1) year immediately before
 34 making application for the permit, at least one (1) of the persons having
 35 a partnership interest has been a resident of the county in which the
 36 licensed premises are to be situated.

37 (c) Each general partner and limited partner of a limited partnership
 38 must possess all other qualifications required of an individual applicant
 39 for that particular type of permit.

40 SECTION 15. IC 7.1-3-21-5.4, AS AMENDED BY P.L.165-2006,
 41 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2011]: Sec. 5.4. (a) The commission shall not issue:

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1 (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;
 2 or
 3 (2) a liquor wholesaler's permit;
 4 to a limited liability company unless at least sixty percent (60%) of the
 5 membership interest is owned by persons who have been continuous
 6 and bona fide residents of Indiana for five (5) years.

7 (b) The commission shall not issue a liquor wholesaler's permit to
 8 a limited liability company unless for at least one (1) year immediately
 9 before making application for the permit, at least one (1) of the persons
 10 having a membership interest has been a resident of the county in
 11 which the licensed premises are to be situated.

12 (c) Each manager and member of a limited liability company must
 13 possess all other qualifications required of an individual applicant for
 14 that particular type of permit.

15 SECTION 16. IC 7.1-3-21-6, AS AMENDED BY P.L.233-2007,
 16 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]: Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4
 18 of this chapter concerning retail ~~and dealer~~ partnerships, corporations,
 19 limited partnerships, and limited liability companies shall not apply to
 20 the issuance of:

- 21 (1) a dining car permit;
- 22 (2) a boat permit;
- 23 ~~(3) a drug store permit;~~
- 24 ~~(4) a grocery store permit;~~
- 25 ~~(5) (3) a hotel permit;~~
- 26 ~~(6) (4) an airplane permit;~~
- 27 ~~(7) (5) a gaming site permit;~~
- 28 ~~(8) (6) a horse track permit;~~
- 29 ~~(9) (7) a satellite facility permit; or~~
- 30 ~~(10) (8) a retail permit to an establishment:~~

31 (A) that is sufficiently served by adequate law enforcement at
 32 its permit location; and

33 (B) whose annual gross food sales at the permit location:
 34 (i) exceed one hundred thousand dollars (\$100,000); or
 35 (ii) in the case of a new application and as proved by the
 36 applicant to the local board and the commission, will exceed
 37 two hundred thousand dollars (\$200,000) by the end of the
 38 two (2) year period from the date of the issuance of the
 39 permit.

40 (b) The commission shall not issue a permit listed in subsection (a)
 41 to a foreign:

- 42 (1) corporation;

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- 1 (2) limited partnership; or
- 2 (3) limited liability company;
- 3 that is not duly qualified to do business in Indiana.

4 SECTION 17. IC 7.1-3-27 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2011]:

7 **Chapter 27. Supplemental Dealer's Permits**

8 **Sec. 1. This chapter does not apply to a holder of a liquor
 9 dealer's permit for a package liquor store.**

10 **Sec. 2. The commission may issue a supplemental dealer's
 11 permit only to a holder of a beer, wine, or liquor dealer's permit.
 12 The holder of a beer, wine, or liquor dealer's permit may sell
 13 alcoholic beverages as follows:**

14 (1) **A holder of a beer, wine, or liquor dealer's permit may sell
 15 alcoholic beverages Monday through Saturday under
 16 IC 7.1-3-1-14.**

17 (2) **A holder of a beer, wine, or liquor dealer's permit that also
 18 holds a supplemental dealer's permit under this chapter may
 19 also sell alcoholic beverages on Sunday to customers for
 20 consumption only off the licensed premises under
 21 IC 7.1-3-1-14.**

22 **Sec. 3. The holder of a supplemental dealer's permit is entitled
 23 to:**

24 (1) **purchase alcoholic beverages only from a permittee
 25 entitled to sell to the holder of the supplemental dealer's
 26 permit under this title;**

27 (2) **possess and sell only those types of alcoholic beverages
 28 that the dealer may lawfully possess and sell under the permit
 29 held by the dealer that qualifies the dealer to also hold a
 30 supplemental dealer's permit; and**

31 (3) **sell the appropriate alcoholic beverages for consumption
 32 off the licensed premises on Sunday, as provided in
 33 IC 7.1-3-1-14.**

34 **Sec. 4. A supplemental dealer's permit, for purposes of this title,
 35 is considered a separate and distinct type of dealer's permit. It does
 36 not affect the rights, privileges, and restrictions applicable to any
 37 other type of dealer's permit. The rights, privileges, and
 38 restrictions provided in this title for a supplemental dealer's permit
 39 apply only on Sundays.**

40 SECTION 18. IC 7.1-3-28 IS ADDED TO THE INDIANA CODE
 41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2011]:

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Chapter 28. Cold Beer Dealer's Permits

Sec. 1. This chapter does not apply to a holder of a liquor dealer's permit for a package liquor store.

Sec. 2. The commission may issue a cold beer dealer's permit only to a holder of a beer dealer's permit. The holder of a beer dealer's permit may sell alcoholic beverages as follows:

(1) A holder of a beer dealer's permit may sell beer as provided under IC 7.1-3-5.

(2) A holder of a beer dealer's permit that also holds a cold beer dealer's permit under this chapter may also sell cold beer to customers for consumption only off the licensed premises.

Sec. 3. The holder of a cold beer dealer's permit is entitled to:

(1) purchase beer only from a permittee entitled to sell to the holder of the cold beer dealer's permit under this title; and

(2) possess and sell cold beer for consumption off the licensed premises.

Sec. 4. The holder of a beer dealer's permit that also holds a cold beer dealer's permit under this chapter may not sell beer for carryout, or delivery to a customer's residence or office, in a quantity that exceeds a total of eight hundred sixty-four (864) ounces in a single transaction as provided under IC 7.1-3-5-3.

Sec. 5. A cold beer dealer's permit, for purposes of this title, is considered a separate and distinct type of dealer's permit. It does not affect the rights, privileges, and restrictions applicable to any other type of dealer's permit. The rights, privileges, and restrictions provided in this title for a cold beer dealer's permit apply only to the sale of cold beer.

SECTION 19. IC 7.1-4-4.1-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12.5. The following annual permit fee is imposed for a supplemental dealer's permit issued under IC 7.1-3-27:

(1) Five hundred dollars (\$500), if the dealer sells only beer, only liquor, or only wine.

(2) Seven hundred fifty dollars (\$750), if the dealer sells:

(A) both beer and wine but no liquor;

(B) both wine and liquor but no beer; or

(C) both beer and liquor but no wine.

(3) One thousand dollars (\$1,000), if the dealer sells beer, wine, and liquor.

SECTION 20. IC 7.1-4-4.1-12.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 12.7. An annual permit fee of five**
2 **hundred dollars (\$500) is imposed for a cold beer dealer's permit**
3 **issued under IC 7.1-3-28.**

4 SECTION 21. IC 7.1-4-10-1.5 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. Not later than the fifth day**
7 **of each month, the treasurer of state shall transfer the**
8 **supplemental dealer's permit fee proceeds deposited with the**
9 **treasurer of state under IC 7.1-4-11-2.6 into the enforcement and**
10 **administration fund established under this chapter.**

11 SECTION 22. IC 7.1-4-10-1.7 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2011]: **Sec. 1.7. Not later than the fifth day**
14 **of each month, the treasurer of state shall transfer the cold beer**
15 **dealer's permit fee proceeds deposited with the treasurer of state**
16 **under IC 7.1-4-11-2.7 into the enforcement and administration**
17 **fund established under this chapter.**

18 SECTION 23. IC 7.1-4-11-2.6 IS ADDED TO THE INDIANA
19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2011]: **Sec. 2.6. The chairman shall collect**
21 **the required permit fee paid for a supplemental dealer's permit**
22 **under IC 7.1-4-4.1-12.5 and deposit the proceeds of the fee daily**
23 **with the treasurer of state. The treasurer of state shall transfer the**
24 **supplemental permit fee proceeds into the enforcement and**
25 **administration fund under IC 7.1-4-10-1.5.**

26 SECTION 24. IC 7.1-4-11-2.7 IS ADDED TO THE INDIANA
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2011]: **Sec. 2.7. The chairman shall collect**
29 **the required permit fee paid for a cold beer dealer's permit under**
30 **IC 7.1-4-4.1-12.7 and deposit the proceeds of the fee daily with the**
31 **treasurer of state. The treasurer of state shall transfer the cold**
32 **beer dealer's permit fee proceeds into the enforcement and**
33 **administration fund under IC 7.1-4-10-1.7.**

34 SECTION 25. IC 7.1-5-7-11, AS AMENDED BY P.L.10-2010,
35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2011]: **Sec. 11. (a) The provisions of sections 9 and 10 of this**
37 **chapter shall not apply if the public place involved is one (1) of the**
38 **following:**

- 39 (1) Civic center.
- 40 (2) Convention center.
- 41 (3) Sports arena.
- 42 (4) Bowling center.

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- 1 (5) Bona fide club.
 2 (6) Drug store.
 3 (7) Grocery store.
 4 (8) Boat.
 5 (9) Dining car.
 6 (10) Pullman car.
 7 (11) Club car.
 8 (12) Passenger airplane.
 9 (13) Horse racetrack facility holding a recognized meeting permit
 10 under IC 4-31-5.
 11 (14) Satellite facility (as defined in IC 4-31-2-20.5).
 12 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
 13 public.
 14 (16) That part of a hotel or restaurant which is separate from a
 15 room in which is located a bar over which alcoholic beverages are
 16 sold or dispensed by the drink.
 17 (17) Entertainment complex.
 18 (18) Indoor golf facility.
 19 (19) A recreational facility such as a golf course, bowling center,
 20 or similar facility that has the recreational activity and not the sale
 21 of food and beverages as the principal purpose or function of the
 22 person's business.
 23 (20) A licensed premises owned or operated by a postsecondary
 24 educational institution described in IC 21-17-6-1.
 25 (21) An automobile racetrack.
 26 (22) An indoor theater under IC 7.1-3-20-26.
 27 **(23) A package liquor store, if the requirements of subsection**
 28 **(c) are met.**
 29 (b) For the purpose of this subsection, "food" means meals prepared
 30 on the licensed premises. It is lawful for a minor to be on licensed
 31 premises in a room in which is located a bar over which alcoholic
 32 beverages are sold or dispensed by the drink if all the following
 33 conditions are met:
 34 (1) The minor is eighteen (18) years of age or older.
 35 (2) The minor is in the company of a parent, guardian, or family
 36 member who is twenty-one (21) years of age or older.
 37 (3) The purpose for being on the licensed premises is the
 38 consumption of food and not the consumption of alcoholic
 39 beverages.
 40 **(c) It is lawful for a minor to be on the licensed premises of a**
 41 **package liquor store if the minor is:**
 42 **(1) employed under section 13(1) of this chapter; or**

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1 **(2) in the company of the minor's parent or guardian who is**
2 **at least twenty-one (21) years of age.**
3 SECTION 26. IC 7.1-5-10-11 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. ~~Sale of Cold Beer~~
5 ~~Prohibited.~~ **Except as provided in IC 7.1-3-5-3 and IC 7.1-3-28,** it is
6 unlawful for the holder of a beer dealer's permit to offer or display for
7 sale, or sell, barter, exchange or give away a bottle, can, container, or
8 package of beer that was iced or cooled by the permittee before or at
9 the time of the sale, exchange, or gift.
10 SECTION 27. IC 7.1-3-10-5 IS REPEALED [EFFECTIVE JULY
11 1, 2011].

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