
HOUSE BILL No. 1368

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-22.

Synopsis: Beer dealer permits. Allows the alcohol and tobacco commission, without regard to the quota restrictions, to issue a beer dealer permit to a proprietor of a grocery store that: (1) owns at least 10 grocery stores; (2) employs at least 100 employees at the proprietor's grocery stores; (3) has annual gross revenue of at least \$50,000,000 from sales at the proprietor's grocery stores; (4) owns a company that has been headquartered in Indiana for at least 10 years; and (5) meets the other requirements to be eligible for a beer dealer permit. Allows the alcohol and tobacco commission to issue a beer dealer permit for each of the proprietor's grocery stores.

Effective: July 1, 2011.

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January 18, 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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HOUSE BILL No. 1368



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 7.1-3-22-4, AS AMENDED BY P.L.94-2008,
 2 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 4. (a) **Except as provided in section 4.5 of this**
 4 **chapter**, the commission may grant:
 5 (1) in an incorporated city or town that has a population of less
 6 than fifteen thousand one (15,001):
 7 (A) one (1) beer dealer's permit for each two thousand (2,000)
 8 persons, or a fraction thereof; or
 9 (B) two (2) beer dealer's permits;
 10 whichever is greater, within the incorporated city or town;
 11 (2) in an incorporated city or town that has a population of more
 12 than fifteen thousand (15,000) but less than eighty thousand
 13 (80,000):
 14 (A) one (1) beer dealer's permit for each three thousand five
 15 hundred (3,500) persons, or a fraction thereof; or
 16 (B) eight (8) beer dealer's permits;
 17 whichever is greater, within the incorporated city or town; and



- 1 (3) in an incorporated city or town that has a population of at least
- 2 eighty thousand (80,000):
- 3 (A) one (1) beer dealer's permit for each six thousand (6,000)
- 4 persons, or a fraction thereof; or
- 5 (B) twenty-three (23) beer dealer's permits;
- 6 whichever is greater, within the incorporated city or town.
- 7 (b) The commission may grant:
- 8 (1) in an incorporated city or town that has a population of less
- 9 than fifteen thousand one (15,001):
- 10 (A) one (1) liquor dealer's permit for each two thousand
- 11 (2,000) persons, or a fraction thereof; or
- 12 (B) two (2) liquor dealer's permit;
- 13 whichever is greater, within the incorporated city or town;
- 14 (2) in an incorporated city or town that has a population of more
- 15 than fifteen thousand (15,000) but less than eighty thousand
- 16 (80,000):
- 17 (A) one (1) liquor dealer's permit for each three thousand five
- 18 hundred (3,500) persons, or a fraction thereof; or
- 19 (B) eight (8) liquor dealer's permits;
- 20 whichever is greater, within the incorporated city or town; and
- 21 (3) in an incorporated city or town that has a population of at least
- 22 eighty thousand (80,000):
- 23 (A) one (1) liquor dealer's permit for each six thousand (6,000)
- 24 persons, or a fraction thereof; or
- 25 (B) twenty-three (23) liquor dealer's permits;
- 26 whichever is greater, within the incorporated city or town.
- 27 (c) **Except as provided in section 4.5 of this chapter**, the
- 28 commission may grant in an area in the county outside an incorporated
- 29 city or town:
- 30 (1) one (1) beer dealer's permit for each two thousand five
- 31 hundred (2,500) persons, or a fraction thereof, or two (2) beer
- 32 dealer's permits, whichever is greater; and
- 33 (2) one (1) liquor dealer's permits for each two thousand five
- 34 hundred (2,500) persons, or a fraction thereof, or two (2) liquor
- 35 dealer's permits, whichever is greater;
- 36 within the area in a county outside an incorporated city or town.
- 37 (d) Notwithstanding subsections (a), (b), and (c), the commission
- 38 may renew or transfer a beer dealer's or liquor dealer's permit for a beer
- 39 dealer or liquor dealer that:
- 40 (1) held a permit before July 1, 2008; and
- 41 (2) does not qualify for a permit under the quota restrictions set
- 42 forth in subsection (a), (b), or (c).

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1 (e) Notwithstanding subsection (a) or (c), the commission may grant
2 not more than two (2) new beer dealer's permits or five percent (5%) of
3 the total beer dealer permits established under the quota restrictions set
4 forth in subsection (a) or (c), whichever is greater, for each of the
5 following:

- 6 (1) An incorporated city or town that does not qualify for any new
7 beer dealer's permits under the quota restrictions set forth in
8 subsection (a).
- 9 (2) An area in a county outside an incorporated city or town that
10 does not qualify for any new beer dealer's permits under the quota
11 restrictions set forth in subsection (c).

12 (f) Notwithstanding subsection (b) or (c), the commission may grant
13 not more than two (2) new liquor dealer's permits or five percent (5%)
14 of the total liquor dealer permits established under the quota
15 restrictions set forth in subsection (b) or (c), whichever is greater, for
16 each of the following:

- 17 (1) An incorporated city or town that does not qualify for any new
18 liquor dealer's permits under the quota restrictions set forth in
19 subsection (b).
- 20 (2) An area in a county outside an incorporated city or town that
21 does not qualify for any new liquor dealer's permits under the
22 quota restrictions set forth in subsection (c).

23 SECTION 2. IC 7.1-3-22-4.5 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) The commission may issue
26 a beer dealer permit to a proprietor of a grocery store if the
27 proprietor meets all of the following requirements:**

- 28 (1) Owns at least ten (10) grocery stores.
- 29 (2) Employs at least one hundred (100) employees at the
30 proprietor's grocery stores.
- 31 (3) Has annual gross revenue of at least fifty million dollars
32 (\$50,000,000) from sales at the proprietor's grocery stores.
- 33 (4) Owns a company that has been headquartered in Indiana
34 for at least ten (10) years.
- 35 (5) Meets the other requirements to be eligible for a beer
36 dealer permit under this title.

37 (b) The commission may issue a beer dealer permit under this
38 section for each of the proprietor's grocery store locations.

39 (c) A permit authorized under this section may be issued
40 without regard to the quota provisions in section 4 of this chapter.

41 (d) A permit issued under this section may not be transferred to
42 another location.

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