



February 14, 2011

SENATE BILL No. 78

DIGEST OF SB 78 (Updated February 9, 2011 4:50 pm - DI 110)

Citations Affected: IC 7.1-5.

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.)

Effective: July 1, 2011.

**Merritt, Alting, Nugent, Tomes,
Head**

January 5, 2011, read first time and referred to Committee on Public Policy.
February 14, 2011, reported favorably — Do Pass.

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SB 78—LS 6237/DI 110+



February 14, 2011

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. 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~~

SB 78—LS 6237/DI 110+



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.

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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.

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