CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 78

Citations Affected: IC 7.1-3-20-8.6; IC 7.1-5.

Synopsis: Alcoholic beverage matters. Conference committee report for ESB 78. 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 to an existing study committee the topic of which state agency should have authority to control dangerous alcohol products. 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".) **(This conference committee adds the following provisions: (1) 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.) (2) 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".) This conference committee makes a technical**

correction.).

Effective: July 1, 2011.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 78 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause 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.

SECTION 2. 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.

SECTION 3. IC 7.1-5-10-23, AS ADDED BY P.L.10-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. ~~(a)~~ It is a Class B misdemeanor for a permittee or an employee or agent of a permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person **who is or reasonably appears to be less than forty (40) years of age** an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce:

(1) a driver's license;

(2) an identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government; or

(3) a government issued document;

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

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

SECTION 4. [EFFECTIVE JULY 1, 2011] **(a) The general assembly urges the legislative council to assign to an existing study committee the topic of which state agency should have authority to control dangerous alcohol products.**

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

(c) This SECTION expires December 31, 2011.

(Reference is to ESB 78 as reprinted April 6, 2011.)

Conference Committee Report
on
Engrossed Senate Bill 78

Signed by:

Senator Merritt Chairperson	Representative Steuerwald
Senator Arnold	Representative Pelath
Senate Conferees	**House Conferees**