

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.

## SENATE ENROLLED ACT No. 78

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

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

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



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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.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

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