
SENATE BILL No. 20

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-2-3-16.5; IC 7.1-3; IC 7.1-4; IC 7.1-5-7-11.

Synopsis: Alcoholic beverages. Creates a supplemental 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. Establishes fees for a supplemental dealer's permit. Requires the fees to be deposited in the enforcement and administration fund of the alcohol and tobacco commission. Allows the holder of a package liquor store permit, farm winery permit, or microbrewery permit to sell carryout alcoholic beverages on Sunday without a supplemental 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, 2012.

Boots

January 4, 2012, read first time and referred to Committee on Commerce & Economic Development.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 20



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, AS AMENDED BY P.L.15-2011,
- 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 16.5. (a) As used in this section, "facility"
- 4 includes the following:
- 5 (1) A facility to which IC 7.1-3-1-25(a) applies.
- 6 (2) A tract that contains a premises that is described in
- 7 ~~IC 7.1-3-1-14(c)(2)~~; **IC 7.1-3-1-14(d)(2)**.
- 8 (3) A horse track or satellite facility to which IC 7.1-3-17.7
- 9 applies.
- 10 (4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.
- 11 (5) A tract that contains an entertainment complex.
- 12 (b) As used in this section, "tract" has the meaning set forth in
- 13 IC 6-1.1-1-22.5.
- 14 (c) A facility may advertise alcoholic beverages:
- 15 (1) in the facility's interior; or
- 16 (2) on the facility's exterior.
- 17 (d) The commission may not exercise the prohibition power



1 contained in section 16(a) of this chapter on advertising by a brewer,
2 distiller, rectifier, or vintner in or on a facility.

3 (e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may
4 provide advertising to a permittee that is a brewer, distiller, rectifier, or
5 vintner in exchange for compensation from that permittee.

6 SECTION 2. IC 7.1-3-1-14, AS AMENDED BY P.L.10-2010,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 14. (a) It is lawful for an appropriate permittee,
9 unless otherwise specifically provided in this title, to sell alcoholic
10 beverages each day Monday through Saturday from 7 a.m., prevailing
11 local time, until 3 a.m., prevailing local time, the following day. Sales
12 shall cease wholly on Sunday at 3 a.m., prevailing local time, and not
13 be resumed until the following Monday at 7 a.m., prevailing local time.

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

18 **(c) It is lawful for the holder of a:**

- 19 **(1) supplemental dealer's permit;**
20 **(2) liquor dealer's permit for a package liquor store;**
21 **(3) farm winery permit; or**
22 **(4) brewer's permit for a brewery that manufactures not**
23 **more than thirty thousand (30,000) barrels of beer in a**
24 **calendar year;**

25 **to sell on Sunday, from 7 a.m., prevailing local time, until 3 a.m.,**
26 **prevailing local time, the following day, the appropriate alcoholic**
27 **beverages for consumption only off the licensed premises.**

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

- 31 (1) are described in section 25(a) of this chapter;
32 (2) are a facility used in connection with the operation of a paved
33 track more than two (2) miles in length that is used primarily in
34 the sport of auto racing; or
35 (3) are being used for a professional or an amateur tournament;

36 beginning one (1) hour before the scheduled starting time of the event
37 or, if the scheduled starting time of the event is 1 p.m. or later,
38 beginning at noon.

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

42 SECTION 3. IC 7.1-3-2-7, AS AMENDED BY P.L.186-2011,

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1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2012]: Sec. 7. The holder of a brewer's permit or an
 3 out-of-state brewer holding either a primary source of supply permit or
 4 an out-of-state brewer's permit may do the following:

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

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- 1 was issued under this chapter.
- 2 (6) If the brewer's brewery manufactures more than thirty
3 thousand (30,000) barrels of beer in a calendar year, own a
4 portion of the corporate stock of another brewery that:
- 5 (A) is located in the same county as the brewer's brewery;
6 (B) manufactures less than thirty thousand (30,000) barrels of
7 beer in a calendar year; and
8 (C) is the proprietor of a restaurant that operates under
9 subdivision (5).
- 10 (7) Provide complimentary samples of beer that are:
- 11 (A) produced by the brewer; and
12 (B) offered to consumers for consumption on the brewer's
13 premises.
- 14 (8) Own a portion of the corporate stock of a sports corporation
15 that:
- 16 (A) manages a minor league baseball stadium located in the
17 same county as the brewer's brewery; and
18 (B) holds a beer retailer's permit, a wine retailer's permit, or a
19 liquor retailer's permit for a restaurant located in that stadium.
- 20 (9) For beer described in IC 7.1-1-2-3(a)(4):
- 21 (A) may allow transportation to and consumption of the beer
22 on the licensed premises; and
23 (B) may not sell, offer to sell, or allow sale of the beer on the
24 licensed premises.
- 25 SECTION 4. IC 7.1-3-3-5, AS AMENDED BY P.L.94-2008,
26 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2012]: Sec. 5. (a) The holder of a beer wholesaler's permit
28 may purchase and import from the primary source of supply, possess,
29 and sell at wholesale, beer and flavored malt beverages manufactured
30 within or without this state.
- 31 (b) A beer wholesaler permittee may possess, transport, sell, and
32 deliver beer to:
- 33 (1) another beer wholesaler authorized by the brewer to sell the
34 brand purchased;
35 (2) an employee; or
36 (3) a holder of a beer retailer's permit, beer dealer's permit,
37 temporary beer permit, dining car permit, boat permit, airplane
38 permit, ~~or~~ supplemental caterer's permit, **or supplemental**
39 **dealer's permit;**
- 40 located within this state. The sale, transportation, and delivery of beer
41 shall be made only from inventory that has been located on the
42 wholesaler's premises before the time of invoicing and delivery.

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1 (c) The beer wholesaler's bona fide regular employees may purchase
2 beer from the wholesaler in:

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

5 (2) one (1) keg;
6 at any one (1) time.

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

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

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

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

19 **(3) Tobacco products.**

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

22 **(5) Printed materials.**

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

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

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

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

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

31 (2) A wine retailer's permit, wine dealer's permit, temporary wine
32 permit, dining car wine permit, boat permit, airplane permit, ~~or~~
33 supplemental caterer's permit, **or supplemental dealer's permit.**

34 **(f) (g)** A beer wholesaler may:

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

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

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

42 SECTION 5. IC 7.1-3-8-3, AS AMENDED BY P.L.94-2008,

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1 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 3. (a) The holder of a liquor wholesaler's permit
3 shall be entitled to sell liquor at wholesale.

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

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

- 11 (1) liquor retailer's permit;
12 (2) supplemental caterer's permit;
13 (3) liquor dealer's permit; ~~or~~
14 (4) liquor wholesaler's permit; **or**
15 **(5) supplemental dealer's permit.**

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

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

24 SECTION 6. IC 7.1-3-9-12 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) This section
26 applies to:

- 27 (1) the holder of a three-way permit that is issued to a civic
28 center, a sports arena, a stadium, an exhibition hall, an
29 auditorium, a theater, a tract that contains a premises that is
30 described in ~~IC 7.1-3-1-14(e)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a
31 convention center; or
32 (2) the holder of a catering permit while catering alcoholic
33 beverages at a civic center, a sports arena, a stadium, an
34 exhibition hall, an auditorium, a theater, a tract that contains a
35 premises that is described in ~~IC 7.1-3-1-14(e)(2)~~,
36 **IC 7.1-3-1-14(d)(2)**, or a convention center.

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

- 39 (1) is not accessible to the general public;
40 (2) has accommodations for not more than seventy-five (75)
41 persons per suite; and
42 (3) is accessible only to persons who possess a ticket:

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- 1 (A) to an event in a building or facility referred to in
 2 subsection (a); and
 3 (B) that entitles the person to occupy the area while viewing
 4 the event described in clause (A).

5 The term does not include a restaurant, lounge, or concession area,
 6 even if access to the restaurant, lounge, or concession area is limited to
 7 certain ticket holders.

8 (c) A permittee may allow the self-service of individual servings of
 9 alcoholic beverages in a suite.

10 (d) A person who:

- 11 (1) possesses a ticket described in subsection (b)(3); and
 12 (2) is at least twenty-one (21) years of age;

13 may obtain an alcoholic beverage in a suite by self-service.

14 (e) A permittee may do any of the following:

- 15 (1) Demand that a person occupying a suite provide:
 16 (A) a written statement under IC 7.1-5-7-4; and
 17 (B) identification indicating that the person is at least
 18 twenty-one (21) years of age.
 19 (2) Supervise the self-service of alcoholic beverages.
 20 (3) Have an employee in the suite who holds an employee permit
 21 under IC 7.1-3-18-9 to serve some or all of the alcoholic
 22 beverages.

23 SECTION 7. IC 7.1-3-10-5 IS REPEALED [EFFECTIVE JULY 1,
 24 2012]. Sec. 5: A package liquor store's exclusive business shall be the
 25 selling of the following commodities only:

- 26 (1) Liquor in its original package.
 27 (2) Beer in permissible containers, if the permittee has the proper
 28 permit.
 29 (3) Wine in its original package.
 30 (4) Bar supplies used in the preparation for consumption of
 31 alcoholic beverages and in their consumption.
 32 (5) Tobacco products.
 33 (6) Uncooled and uniced charged water, carbonated soda, ginger
 34 ale, mineral water, grenadine, and flavoring extracts.
 35 (7) Printed materials.
 36 (8) Lottery tickets as provided in IC 4-30-9.
 37 (9) Cooled or uncooled nonalcoholic malt beverages.
 38 (10) Flavored malt beverage in its original package.

39 SECTION 8. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2012]: Sec. 14. The holder of a liquor dealer's permit for a
 42 package liquor store may sell on Sunday, as provided in

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1 **IC 7.1-3-1-14, alcoholic beverages for consumption only off the**
 2 **licensed premises.**

3 SECTION 9. IC 7.1-3-12-5, AS AMENDED BY P.L.186-2011,
 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2012]: Sec. 5. (a) The holder of a farm winery permit:

6 (1) is entitled to manufacture wine and to bottle wine produced by
 7 the permit holder's farm winery;

8 (2) is entitled to serve complimentary samples of the winery's
 9 wine on the licensed premises or an outside area that is
 10 contiguous to the licensed premises as approved by the
 11 commission if each employee who serves wine on the licensed
 12 premises:

13 (A) holds an employee permit under IC 7.1-3-18-9; and

14 (B) completes a server training program approved by the
 15 commission;

16 (3) is entitled to sell the winery's wine on the licensed premises to
 17 consumers either by the glass, or by the bottle, or both;

18 (4) is entitled to sell the winery's wine to consumers by the bottle
 19 at a farmers' market that is operated on a nonprofit basis;

20 (5) is entitled to sell wine by the bottle or by the case to a person
 21 who is the holder of a permit to sell wine at wholesale;

22 (6) is exempt from the provisions of IC 7.1-3-14;

23 (7) is entitled to advertise the name and address of any retailer or
 24 dealer who sells wine produced by the permit holder's winery;

25 (8) for wine described in IC 7.1-1-2-3(a)(4):

26 (A) may allow transportation to and consumption of the wine
 27 on the licensed premises; and

28 (B) may not sell, offer to sell, or allow the sale of the wine on
 29 the licensed premises;

30 (9) is entitled to purchase and sell bulk wine as set forth in this
 31 chapter;

32 (10) is entitled to sell wine as authorized by this section **and as**
 33 **provided in IC 7.1-3-1-14** for carryout on Sunday; and

34 (11) is entitled to sell and ship the farm winery's wine to a person
 35 located in another state in accordance with the laws of the other
 36 state.

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

42 (c) With the approval of the commission, a holder of a permit under

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1 this chapter may, individually or with other permit holders under this
 2 chapter, participate in a trade show or an exposition at which products
 3 of each permit holder participant are displayed, promoted, and sold.
 4 The commission may not grant approval under this subsection to a
 5 holder of a permit under this chapter for more than forty-five (45) days
 6 in a calendar year.

7 SECTION 10. IC 7.1-3-13-3, AS AMENDED BY P.L.165-2006,
 8 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 3. (a) The holder of a wine wholesaler's permit
 10 may purchase, import, and transport wine, brandy, or flavored malt
 11 beverage from the primary source of supply. A wine wholesaler may
 12 export and transport wine, brandy, or flavored malt beverage by the
 13 bottle, barrel, cask, or other container to points outside Indiana. A wine
 14 wholesaler is entitled to sell, furnish, and deliver wine or flavored malt
 15 beverage from inventory that has been located on the wholesaler's
 16 premises before the time of invoicing and delivery to a wine
 17 wholesaler, a wine retailer, a supplemental caterer, a temporary wine
 18 permittee, ~~and~~ a wine dealer, **and a supplemental dealer**, but not at
 19 retail. A wine wholesaler may sell, furnish, and deliver brandy from
 20 inventory that has been located on the wholesaler's premises before the
 21 time of invoicing and delivery, but not at retail, only to a person who
 22 holds a liquor retailer's permit, a supplemental caterer's permit, ~~or~~ a
 23 liquor dealer's permit, **or a supplemental dealer's permit**. A holder of
 24 a wine wholesaler's permit may sell wine to the wine wholesaler's bona
 25 fide regular employees.

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

- 27 (1) any alcoholic distillate described in 27 CFR 5.22(d) as in
 28 effect on January 1, 1983; or
 29 (2) a beverage product that:
 30 (A) is prepared from a liquid described in subdivision (1);
 31 (B) is classified as a cordial or liqueur as defined in 27 CFR
 32 5.22(h) as in effect on January 1, 1997; and
 33 (C) meets the following requirements:
 34 (i) At least sixty-six and two-thirds percent (66 2/3%) of the
 35 product's alcohol content is composed of a substance
 36 described in subdivision (1).
 37 (ii) The product's label makes no reference to any distilled
 38 spirit other than brandy.
 39 (iii) The product's alcohol content is not less than sixteen
 40 percent (16%) by volume or thirty-two (32) degrees proof.
 41 (iv) The product contains dairy cream.
 42 (v) The product's sugar, dextrose, or levulose content is at

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- 1 least twenty percent (20%) of the product's weight.
 2 (vi) The product contains caramel coloring.
- 3 (c) Nothing in this section allows a wine wholesaler to sell, give,
 4 purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless
 5 the wine wholesaler also holds a beer wholesaler's permit under
 6 IC 7.1-3-3-1.
- 7 (d) A wine wholesaler that also holds a liquor wholesaler's permit
 8 under IC 7.1-3-8 may not:
- 9 (1) hold a beer wholesaler's permit under IC 7.1-3-3;
 10 (2) possess, sell, or transport beer; or
 11 (3) sell more than one million (1,000,000) gallons of flavored
 12 malt beverage during a calendar year.
- 13 SECTION 11. IC 7.1-3-21-3, AS AMENDED BY P.L.165-2006,
 14 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2012]: Sec. 3. The commission shall not issue:
- 16 (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;
 17 or
 18 (2) a liquor wholesaler's permit;
 19 to a person who has not been a continuous and bona fide resident of
 20 Indiana for five (5) years immediately preceding the date of the
 21 application for a permit.
- 22 SECTION 12. IC 7.1-3-21-4, AS AMENDED BY P.L.165-2006,
 23 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 4. The commission shall not issue:
- 25 (1) a liquor wholesaler's permit; or
 26 (2) an alcoholic beverage retailer's ~~or dealer's~~ permit;
 27 of any type to a partnership unless each member of the partnership
 28 possesses the same qualifications as those required of an individual
 29 applicant for that particular type of permit.
- 30 SECTION 13. IC 7.1-3-21-5, AS AMENDED BY P.L.165-2006,
 31 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2012]: Sec. 5. (a) The commission shall not issue:
- 33 (1) an alcoholic beverage retailer's ~~or dealer's~~ permit of any type;
 34 or
 35 (2) a liquor wholesaler's permit;
 36 to a corporation unless sixty percent (60%) of the outstanding common
 37 stock is owned by persons who have been continuous and bona fide
 38 residents of Indiana for five (5) years.
- 39 (b) The commission shall not issue a liquor wholesaler's permit to
 40 a corporation unless at least one (1) of the stockholders shall have been
 41 a resident, for at least one (1) year immediately prior to making
 42 application for the permit, of the county in which the licensed premises

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1 are to be situated.

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

5 SECTION 14. IC 7.1-3-21-5.2, AS AMENDED BY P.L.165-2006,
6 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 5.2. (a) The commission shall not issue:

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

9 or

10 (2) a liquor wholesaler's permit;

11 to a limited partnership unless at least sixty percent (60%) of the
12 partnership interest is owned by persons who have been continuous and
13 bona fide residents of Indiana for five (5) years.

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

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

22 SECTION 15. IC 7.1-3-21-5.4, AS AMENDED BY P.L.165-2006,
23 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2012]: Sec. 5.4. (a) The commission shall not issue:

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

26 or

27 (2) a liquor wholesaler's permit;

28 to a limited liability company unless at least sixty percent (60%) of the
29 membership interest is owned by persons who have been continuous
30 and bona fide residents of Indiana for five (5) years.

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

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

39 SECTION 16. IC 7.1-3-21-6, AS AMENDED BY P.L.233-2007,
40 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4

42 of this chapter concerning retail ~~and dealer~~ partnerships, corporations,

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1 limited partnerships, and limited liability companies shall not apply to
 2 the issuance of:
 3 (1) a dining car permit;
 4 (2) a boat permit;
 5 ~~(3) a drug store permit;~~
 6 ~~(4) a grocery store permit;~~
 7 ~~(5) (3) a hotel permit;~~
 8 ~~(6) (4) an airplane permit;~~
 9 ~~(7) (5) a gaming site permit;~~
 10 ~~(8) (6) a horse track permit;~~
 11 ~~(9) (7) a satellite facility permit; or~~
 12 ~~(10) (8) a retail permit to an establishment:~~
 13 (A) that is sufficiently served by adequate law enforcement at
 14 its permit location; and
 15 (B) whose annual gross food sales at the permit location:
 16 (i) exceed one hundred thousand dollars (\$100,000); or
 17 (ii) in the case of a new application and as proved by the
 18 applicant to the local board and the commission, will exceed
 19 two hundred thousand dollars (\$200,000) by the end of the
 20 two (2) year period from the date of the issuance of the
 21 permit.
 22 (b) The commission shall not issue a permit listed in subsection (a)
 23 to a foreign:
 24 (1) corporation;
 25 (2) limited partnership; or
 26 (3) limited liability company;
 27 that is not duly qualified to do business in Indiana.
 28 SECTION 17. IC 7.1-3-27 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]:
 31 **Chapter 27. Supplemental Dealer's Permit**
 32 **Sec. 1. This chapter does not apply to a holder of a liquor**
 33 **dealer's permit for a package liquor store.**
 34 **Sec. 2. The commission may issue a supplemental dealer's**
 35 **permit only to a holder of a beer, wine, or liquor dealer's permit.**
 36 **The holder of a beer, wine, or liquor dealer's permit may sell**
 37 **alcoholic beverages as follows:**
 38 **(1) A holder of a beer, wine, or liquor dealer's permit may sell**
 39 **alcoholic beverages Monday through Saturday under**
 40 **IC 7.1-3-1-14.**
 41 **(2) A holder of a beer, wine, or liquor dealer's permit that also**
 42 **holds a supplemental dealer's permit under this chapter may**

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1 also sell alcoholic beverages on Sunday to customers for
 2 consumption only off the licensed premises under
 3 IC 7.1-3-1-14.

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

6 (1) purchase alcoholic beverages only from a permittee
 7 entitled to sell to the holder of the supplemental dealer's
 8 permit under this title;

9 (2) possess and sell only those types of alcoholic beverages
 10 that the dealer may lawfully possess and sell under the permit
 11 held by the dealer that qualifies the dealer to also hold a
 12 supplemental dealer's permit; and

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

16 **Sec. 4. A supplemental dealer's permit, for purposes of this title,**
 17 **is considered a separate and distinct type of dealer's permit. It does**
 18 **not affect the rights, privileges, and restrictions applicable to any**
 19 **other type of dealer's permit. The rights, privileges, and**
 20 **restrictions provided in this title for a supplemental dealer's permit**
 21 **apply only on Sundays.**

22 SECTION 18. IC 7.1-4-4.1-12.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2012]: **Sec. 12.5. The following annual permit**
 25 **fee is imposed for a supplemental dealer's permit issued under**
 26 **IC 7.1-3-27:**

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

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

30 (A) both beer and wine but no liquor;

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

32 (C) both beer and liquor but no wine.

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

35 SECTION 19. IC 7.1-4-10-1.5 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. Not later than the fifth day**
 38 **of each month, the treasurer of state shall transfer the**
 39 **supplemental dealer's permit fee proceeds deposited with the**
 40 **treasurer of state under IC 7.1-4-11-2.6 into the enforcement and**
 41 **administration fund established under this chapter.**

42 SECTION 20. IC 7.1-4-11-2.6 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2012]: **Sec. 2.6. The chairman shall collect**
3 **the required permit fee paid for a supplemental dealer's permit**
4 **under IC 7.1-4-4.1-12.5 and deposit the proceeds of the fee daily**
5 **with the treasurer of state. The treasurer of state shall transfer the**
6 **supplemental dealer's permit fee proceeds into the enforcement**
7 **and administration fund under IC 7.1-4-10-1.5.**

8 SECTION 21. IC 7.1-5-7-11, AS AMENDED BY P.L.10-2010,
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2012]: Sec. 11. (a) The provisions of sections 9 and 10 of this
11 chapter shall not apply if the public place involved is one (1) of the
12 following:

- 13 (1) Civic center.
- 14 (2) Convention center.
- 15 (3) Sports arena.
- 16 (4) Bowling center.
- 17 (5) Bona fide club.
- 18 (6) Drug store.
- 19 (7) Grocery store.
- 20 (8) Boat.
- 21 (9) Dining car.
- 22 (10) Pullman car.
- 23 (11) Club car.
- 24 (12) Passenger airplane.
- 25 (13) Horse racetrack facility holding a recognized meeting permit
- 26 under IC 4-31-5.
- 27 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 28 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
- 29 public.
- 30 (16) That part of a hotel or restaurant which is separate from a
- 31 room in which is located a bar over which alcoholic beverages are
- 32 sold or dispensed by the drink.
- 33 (17) Entertainment complex.
- 34 (18) Indoor golf facility.
- 35 (19) A recreational facility such as a golf course, bowling center,
- 36 or similar facility that has the recreational activity and not the sale
- 37 of food and beverages as the principal purpose or function of the
- 38 person's business.
- 39 (20) A licensed premises owned or operated by a postsecondary
- 40 educational institution described in IC 21-17-6-1.
- 41 (21) An automobile racetrack.
- 42 (22) An indoor theater under IC 7.1-3-20-26.

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- 1 **(23) A package liquor store, if the requirements of subsection**
- 2 **(c) are met.**
- 3 (b) For the purpose of this subsection, "food" means meals prepared
- 4 on the licensed premises. It is lawful for a minor to be on licensed
- 5 premises in a room in which is located a bar over which alcoholic
- 6 beverages are sold or dispensed by the drink if all the following
- 7 conditions are met:
- 8 (1) The minor is eighteen (18) years of age or older.
- 9 (2) The minor is in the company of a parent, guardian, or family
- 10 member who is twenty-one (21) years of age or older.
- 11 (3) The purpose for being on the licensed premises is the
- 12 consumption of food and not the consumption of alcoholic
- 13 beverages.
- 14 **(c) It is lawful for a minor to be on the licensed premises of a**
- 15 **package liquor store if the minor is:**
- 16 **(1) employed under section 13(1) of this chapter; or**
- 17 **(2) in the company of the minor's parent or guardian who is**
- 18 **at least twenty-one (21) years of age.**

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