

HOUSE BILL No. 1146

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-2-3-16.5; IC 7.1-3.

Synopsis: Sunday sales of alcoholic beverages for carryout. Provides that a holder of an alcoholic beverage permit who is authorized by law to sell alcoholic beverages for carryout may sell carryout on Sunday.

Effective: July 1, 2013.

Eberhart, Austin

January 10, 2013, read first time and referred to Committee on Public Policy.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1146



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, 2013]: 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, 2013]: 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) A holder of an alcoholic beverage permit who is authorized**
19 **under this title to sell alcoholic beverages for carryout may sell the**
20 **appropriate alcoholic beverages on Sunday for carryout from 7**
21 **a.m., prevailing local time, until 3 a.m., prevailing local time, the**
22 **following day.**

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

26 (1) are described in section 25(a) of this chapter;

27 (2) are a facility used in connection with the operation of a paved
28 track more than two (2) miles in length that is used primarily in
29 the sport of auto racing; or

30 (3) are being used for a professional or an amateur tournament;
31 beginning one (1) hour before the scheduled starting time of the event
32 or, if the scheduled starting time of the event is 1 p.m. or later,
33 beginning at noon.

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

37 SECTION 3. IC 7.1-3-9-12 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) This section
39 applies to:

40 (1) the holder of a three-way permit that is issued to a civic
41 center, a sports arena, a stadium, an exhibition hall, an
42 auditorium, a theater, a tract that contains a premises that is

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1 described in ~~IC 7.1-3-1-14(c)(2)~~, **IC 7.1-3-1-14(d)(2)**, or a
 2 convention center; or

3 (2) the holder of a catering permit while catering alcoholic
 4 beverages at a civic center, a sports arena, a stadium, an
 5 exhibition hall, an auditorium, a theater, a tract that contains a
 6 premises that is described in ~~IC 7.1-3-1-14(c)(2)~~;
 7 **IC 7.1-3-1-14(d)(2)**, or a convention center.

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

10 (1) is not accessible to the general public;

11 (2) has accommodations for not more than seventy-five (75)
 12 persons per suite; and

13 (3) is accessible only to persons who possess a ticket:

14 (A) to an event in a building or facility referred to in
 15 subsection (a); and

16 (B) that entitles the person to occupy the area while viewing
 17 the event described in clause (A).

18 The term does not include a restaurant, lounge, or concession area,
 19 even if access to the restaurant, lounge, or concession area is limited to
 20 certain ticket holders.

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

23 (d) A person who:

24 (1) possesses a ticket described in subsection (b)(3); and

25 (2) is at least twenty-one (21) years of age;

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

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

28 (1) Demand that a person occupying a suite provide:

29 (A) a written statement under IC 7.1-5-7-4; and

30 (B) identification indicating that the person is at least
 31 twenty-one (21) years of age.

32 (2) Supervise the self-service of alcoholic beverages.

33 (3) Have an employee in the suite who holds an employee permit
 34 under IC 7.1-3-18-9 to serve some or all of the alcoholic
 35 beverages.

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