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TITLE 80 STATE FAIR COMMISSION

Proposed Rule LSA Document #02-243

DIGEST

Adds 80 IAC 4-4 regarding the regulation or prohibition of alcohol, weapons, and unauthorized animals at the Indiana state fair. Effective 30 days after filing with the secretary of state.

80 IAC 4-4

SECTION 1. 80 IAC 4-4 IS ADDED TO READ AS FOLLOWS:

Rule 4. Items Prohibited at the Annual State Fair

80 IAC 4-4-1 Policy

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2; IC 15-1.5-5

Sec. 1. (a) The purpose of this rule is to enhance the security of and to protect the health, safety, and welfare of all persons and animals at the fairgrounds during the annual state fair.

(b) Unless otherwise set forth in this rule or other applicable statute, this rule applies to all visitors, guests, invitees, vendors, concessionaires, purveyors, exhibitors, state fair, and fair commission employees, contractors, and agents.

(c) Exceptions to this rule may be made on a case-by-case basis with the advance written approval of the executive director of the state fair commission. The executive director shall maintain a file of all such approvals. (*State Fair Commission; 80 IAC 4-4-1*)

80 IAC 4-4-2 Definitions

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2; IC 15-1.5-5; IC 35-47-1-5; IC 35-47-8-1; IC 35-47-8-3

Sec. 2. The following definitions apply throughout this rule:

(1) "Alcoholic beverage" means a liquid or solid that:

- (A)** is, or contains, one-half percent (0.5%) or more alcohol by volume;
- (B)** is fit for human consumption; and
- (C)** is reasonably likely, or intended, to be used as a beverage.

(2) "Deadly weapon" means any of the following:

- (A)** A loaded or unloaded firearm (as defined in IC 35-47-1-5).
- (B)** A destructive device, weapon, device, taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1) equipment, including knives, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
- (C)** A biological disease, virus, or organism that is capable of causing serious bodily injury.

The term does not include equipment or implements necessary and appropriate for use by commission personnel, contractors, authorized representatives, concessionaires, and exhibitors in the conduct of business related to the fair.

(3) "Law enforcement animal" means an animal that is owned or used by a law enforcement agency for the principal purposes of:

- (A) aiding in the detection of criminal activity, the enforcement of laws, and the apprehension of offenders; and
- (B) ensuring the public welfare.

The term includes, but is not limited to, a horse, an arson investigation dog, a bomb detection dog, a narcotic detection dog, a patrol dog, a search and rescue dog, or a tracking dog.

(4) "Possession" means on or about a person's body or clothing, or in any purse, backpack, cooler, sack, carrier, or other container carried by the person or under that person's direct and immediate control.

(5) "Service animal" means an animal that a person who is impaired by:

- (A) blindness or any other visual impairment;
- (B) deafness or any other aural impairment;
- (C) a physical disability; or
- (D) a medical condition;

relies on for navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

(State Fair Commission; 80 IAC 4-4-2)

80 IAC 4-4-3 Alcoholic beverages prohibited

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2; IC 15-1.5-5

Sec. 3. (a) This rule does not apply to alcoholic beverages which are displayed in an exhibit or stored in a manner approved or sanctioned by the fair board or the fair commission.

(b) No person in possession of an alcoholic beverage shall be permitted onto or be permitted to remain on the fairgrounds during the annual state fair.

(c) Any alcoholic beverage found in the possession of a person while on the fairgrounds during the annual state fair is subject to immediate confiscation by and forfeiture to law enforcement officers or other persons designated by the executive director of the state fair commission. *(State Fair Commission; 80 IAC 4-4-3)*

80 IAC 4-4-4 Deadly weapons prohibited

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2; IC 15-1.5-5

Sec. 4. (a) This rule does not apply to a federal, state, or local law enforcement officer or to a person who has been employed or authorized by the state fair commission to provide security protection and services during the annual state fair.

(b) No person in possession of a deadly weapon shall be permitted onto or be permitted to remain on the fairgrounds during the annual state fair.

(c) Any deadly weapon found in the possession of a person while on the fairgrounds during the annual state fair is subject to immediate confiscation by law enforcement officers or other persons authorized by the executive director of the state fair commission.

(d) Any person properly licensed to carry a firearm must secure the firearm in a locked compartment of his or her vehicle, and it shall not be visible to passersby. *(State Fair Commission; 80 IAC 4-4-4)*

80 IAC 4-4-5 Unauthorized animals prohibited

Authority: IC 15-1.5-2-8

Affected: IC 15-1.5-2; IC 15-1.5-5

Sec. 5. (a) The only animals permitted on the fairgrounds during the annual state fair are the following:

(1) Animals registered, boarded, or entered for, or that will be registered, boarded, or entered for, exhibition, show, or other competition at the annual state fair.

(2) Animals that will be used in a scheduled performance or to perform work at the annual state fair.

(3) Law enforcement animals.

(4) Service animals.

(b) No person in possession of or having control over an unauthorized animal shall be permitted onto or be permitted to remain on the fairgrounds during the annual state fair. (State Fair Commission; 80 IAC 4-4-5)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 23, 2003 at 9:30 a.m., at the Indiana State Fair Administration Building Conference Room, 1202 East 38th Street, Indianapolis, Indiana the State Fair Commission will hold a public hearing on proposed amendments to rules relating to the restrictions on alcoholic beverages, deadly weapons, and unauthorized animals at the annual state fair. Copies of these rules are now on file at the State Fair Commission, 1202 East 38th Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

William Stinson
Executive Director
State Fair Commission