

**Document:** Proposed Rule, **Register Page Number:** 27 IR 3337

**Source:** July 1, 2004, Indiana Register, Volume 27, Number 10

**Disclaimer:** This document was created from the files used to produce the official CD-ROM Indiana Register.

**TITLE 905 ALCOHOL AND TOBACCO  
COMMISSION**

**Proposed Rule**  
LSA Document #04-110

**DIGEST**

Amends 905 IAC 1-15.2-3 to clarify the conditions under which a minor in a permit premises that has no bar is considered to be loitering. Effective 30 days after filing with the secretary of state.

**905 IAC 1-15.2-3**

SECTION 1. 905 IAC 1-15.2-3 IS AMENDED TO READ AS FOLLOWS:

**905 IAC 1-15.2-3 Loitering**

**Authority:** IC 7.1-2-3-7

**Affected:** IC 7.1-5

Sec. 3. **(a)** A minor in that part of a restaurant permit premises that has no bar shall be considered to be loitering unless he or she ~~(+)~~ is accompanied by his or her parent, legal guardian, or family member who is **at least** twenty-one (21) years of age. ~~or older;~~

**(b) A minor in that part of a restaurant permit premises that has no bar who does not meet the conditions of subsection (a) shall be considered to be loitering unless he or she:**

~~(2)~~ **(1)** has placed an order for food and said order has not been served;

~~(3)~~ **(2)** is eating; or

~~(4)~~ **(3)** is viewing or listening to lawful nonparticipatory entertainment; ~~provided by the establishment;~~ provided, however, that said entertainment may not consist solely of music, whether live or recorded, **and which shall not include adult entertainment.**

**(c) As used in this rule, "adult entertainment" means any activity of a sexual nature, including that permitted under 905 IAC 1-16.1-3. (Alcohol and Tobacco Commission; 905 IAC 1-15.2-3; filed Feb 20, 1991, 5:05 p.m.: 14 IR 1444; filed Jun 21, 2001, 2:30 p.m.: 24 IR 3651; readopted filed Oct 4, 2001, 3:15 p.m.: 25 IR 941)**

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on July 26, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on a proposed amendment to clarify the conditions under which a minor inside a permit premises is considered to be loitering. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Mark C. Webb  
Executive Secretary  
Alcohol and Tobacco Commission