

# ALCOHOL PERMITS 101:

What All New Alcohol  
Permittees Should  
Know



# Overview

---

Mission, vision & goals

---

Floor plans

---

Purchasing alcohol products

---

Employee and training records

---

Food sales requirements

---

Managers and manager questionnaires

---

Minors and checking IDs

---

Public smoking ban

---

Final tips & takeaways

---

# MISSION, VISION & GOALS

# Duties of the ATC

- General purposes of Title 7.1 of the Indiana Code:
  1. To protect the economic welfare, health, peace, and morals of the people of this state.
  2. To regulate and limit the manufacture, sale, possession, and use of alcohol and alcoholic beverages.
  3. To regulate the sale, possession, and distribution of tobacco products.
  4. To provide for the raising of revenue.
- The Alcohol and Tobacco Commission (ATC / Commission) is primarily responsible for issuing alcohol permits, while the Indiana State Excise Police (ISEP) acts as the law enforcement arm of the ATC. The ATC Prosecutor prosecutes all violations of the alcoholic beverage laws, rules, and regulations.

# Mission & Vision

## **ATC MISSION**

To regulate the manufacture, distribution, and sale of alcohol and tobacco in Indiana through permitting, education, and enforcement.

## **ATC VISION**

To foster a safe and healthy marketplace for alcohol and tobacco that meets the needs of permittees and the communities they serve.



# Goals & Expectations

- As a regulatory agency, the ATC expects:
  - Compliance with Title 7.1 of the Indiana Code and Title 905 of the Indiana Administrative Code
  - Responsible business and trade practices pertaining to alcoholic beverage sales



# Floor Plan Approvals

- Prior to issuing or making a permit active, a final inspection is required to be conducted at by an officer with the Indiana State Excise Police to approve the floor plan of the permit premises.
- Once approved, any change(s) to the floor plan must also be filed with the Commission and approved by an ISEP officer.
- Contact your local board officer or Excise district office to schedule a floor plan inspection
- <https://www.in.gov/atc/isep/contact-us/>

# **PURCHASING PRODUCTS**



# Purchasing Requirements

- All alcoholic beverages must be purchased from a licensed wholesaler licensed by the ATC.
  - Retail-to-retail sales are prohibited.
- To find a wholesaler, search [here](#).
  - Profession: Alcoholic Beverage
  - License Type: Wholesaler – Beer  
Wholesaler – Wine  
Wholesaler – Liquor  
Wholesaler – Microwine

# Purchasing Requirements

## Beer

- Cash-on-delivery (COD) only

## Wine

- Credit may be extended
- Invoice must be paid w/in 15 days

## Liquor

- Credit may be extended
- Invoice must be paid w/in 15 days

# Purchasing Alcohol Products

- Common violations
  - Retail-to-retail sales (i.e., purchasing alcohol from a local store instead of a wholesaler)
  - Refilling bottles and containers
- Record keeping
  - Invoices from wholesalers must be available for inspection
  - It is a best practice to keep separate accounts for personal purchases

# **EMPLOYEE PERMITS & TRAINING RECORDS**

# Employee Permits

- Employee permits are required for:
  - Employees working at retailer permit premises (on-premises consumption), including all servers and bartenders engaged in making or mixing drinks, checking IDs, and delivering or serving alcoholic beverages to customers
  - Employees working at package liquor stores engaged in selling alcoholic beverages and checking IDs
- While an employee permit application is being processed, the applicant may work without a permit for up to ninety (90) days from the date shown on the receipt for payment of the permit application fee.
- Copies of all employee permits must be maintained by the permit holder and must be produced by the permit holder for inspection upon request.
- Employees must carry their employee permit while working on a licensed premises.

# Employee Training Requirements

- Employees of retailer permit holders and package liquor store permit holders must:
  - Complete a certified server training course
  - Keep a copy of their training certificate in their possession while working
- For 18-, 19-, and 20-year-old employees, the employee training must be completed *prior to* obtaining an employee permit
- For employees 21+, the employee training must be completed within 120 days of the employee permit being issued
- Copies of employee/server training certificates must be maintained by the facility permit holder and available for inspection upon request

# Employee Age Restrictions

- For retailers and other permits for on-premises consumption:
  - Servers must be at least 18 years old and supervised by someone at least 21 years old who has completed the required server training course
  - Bartenders must be at least 21 years old
- For package liquor stores, employees and clerks must be at least 21 years old
- For pharmacy and grocery store permittees, an employee ringing up the sale of alcoholic beverages must be at least 18 years old and supervised by someone at least 21 years old



# MINIMUM FOOD & FOOD SALES REQUIREMENTS





# Minimum Food Requirements

- Retailer restaurant permittees must have:
  - Seating capacity for at least 25 people at any one time; and
  - Minimum food service for at least 25 people consisting of at least the following:
    - Hot sandwiches and hot soup; and
    - Coffee, milk, and soft drinks

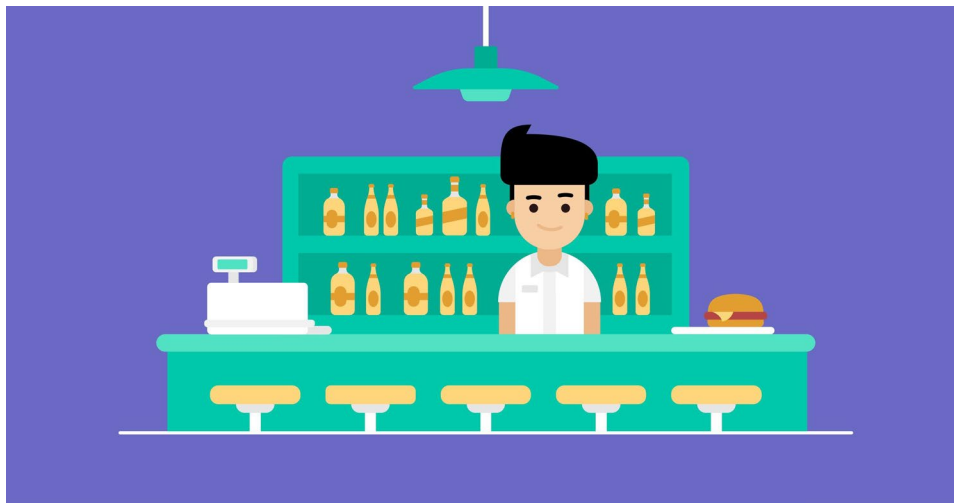
# Food Sales Requirements

- Retailer restaurant permit holders in unincorporated areas (Type 209 permits):
  - Must sell at least \$200,000 in gross food sales in the first two years of operation; and
  - Must sell at least \$100,000 in gross food sales each year thereafter.

# Food Sales Requirements

- Retailer restaurant permittees with limited separation (i.e., barroom is separated from family dining area by a partial wall, fence, etc.) must meet ONE of the following requirements:
  - Must sell at least \$200,000 in gross food sales per year; OR
  - At least 60% of gross food and alcoholic beverage sales (excluding carry-out and catering sales) must be from the sale of food.

# MANAGERS & MANAGER QUESTIONNAIRES



# Manager Requirements

- Managers may be individuals and business entities.
- If a manager (excluding a disclosed owner) is conducting business operations at a permit premises, the manager must:
  - Be listed on a manager's questionnaire form filed with the ATC by the permit holder;
  - Meet all the same qualifications and requirement as the permit holder; and
  - Hold an employee permit issued by the ATC (if required)



# PUBLIC SMOKING BAN REQUIREMENTS



# Indiana Smoke Free Air Law

- Smoke Free Air Law (Indiana Code 7.1-5-12)
  - Prohibits smoking in a public places, places of employment, and vehicles owned, leased, or operated by the state.
  - Prohibits smoking within eight (8) feet of a public entrance to a public place or a place of employment.
  - May be enforced by:
    1. Indiana Department of Health
    2. a local health department
    3. a health and hospital corporation
    4. Indiana Department of Homeland Security
    5. a law enforcement officer.
- Exceptions to public smoking ban are set forth in IC 7.1-5-12-5.

# Indiana Smoke Free Air Law

- Permittees that qualify for smoking on the licensed premises must obtain a smoking ban exemption from the Commission and satisfy all local smoking ban requirements
- Permittees subject to the public smoking ban that do not qualify for an exception must:
  - Post a conspicuous sign that says “Smoking is Prohibited by State Law” including signs at each entrance of the premises
  - Ask individuals who are smoking to refrain from smoking
  - Remove individuals from the premises that fail to comply with request to refrain from smoking
  - Post signs at each entrance of the premises that read “State Law Prohibits Smoking Within 8 Feet of this Entrance”
  - Remove all ashtrays and smoking paraphernalia



# MINORS & ID CHECKS



# Minors & IDs

- Generally, minors are prohibited in a tavern, bar, or other public place where alcohol is sold or furnished
- Exceptions to the general rule are contained in IC 7.1-5-7-11
- Most common exceptions:
  - Family dining areas that are separated from a barroom by either limited separation or full separation
  - Minors in the company of a parent, legal guardian, or family member who is twenty-one (21) years of age or older for the purpose of consuming food prepared on the licensed premises
    - Note: Minors must be seated at a table or booth in the bar area and are prohibited from sitting at a bar over which alcoholic beverages are sold or dispensed

# Minors & IDs

- Minors are permitted in drug stores and grocery stores.
- Minors are prohibited from package liquor stores.
- Drug stores, and grocery stores and package liquor stores are required to check the identification of anyone who appears under the age of forty (40).
- Alcohol sales to persons under the age of twenty-one (21) are strictly prohibited.

**INDIANA**<sub>USA</sub> OPERATOR LICENSE

bmv.IN.gov  
PETER L. LACY, COMMISSIONER

**SAMPLE**

4d DLN 1234-56-7890 4b EXP 11/17/2023

1 **SAMPLE**  
2 **MARK ALLEN**

8 123 MAIN STREET  
INDIANAPOLIS, IN 46204-0000

9 CLASS NONE 9a END L  
12 RES 289B

15 SEX M 16 HGT 5'-11" 17 WGT 180 lb  
18 EYES BRO 19 HAIR BRO

3 DOB 11/17/1970 4a ISS 11/17/2017

5 DD 12345678901234

DONOR ♥ MEDICAL CONDITION / ALERT

11/17/70





**INDIANA**<sub>USA</sub> TEMPORARY OPERATOR LICENSE

bmv.IN.gov  
PETER L. LACY, COMMISSIONER

**SAMPLE**

4d DLN 1234-56-7890 4b EXP 10/31/2023

Under 21 Until 10/31/2022  
Under 18 Until 10/31/2019

9 CLASS NONE  
9a END L  
12 RES 289B

000 *Emily Sample* 15 SEX F 16 HGT 5'-07" 17 WGT 150 lb  
18 EYES BRO 19 HAIR BRO


1 **SAMPLE**  
2 **EMILY ALYCE**


8 123 MAIN STREET  
INDIANAPOLIS, IN 46204-0000

3 DOB 10/31/2001 4a ISS 10/31/2017  
5 DD 12345678901234

10/31/01

DONOR ♥ MEDICAL CONDITION / ALERT





1

2

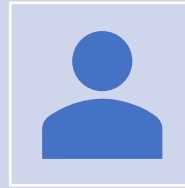
3

# FINAL TIPS & TAKEAWAYS

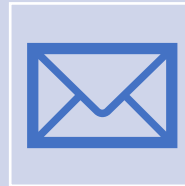
# Reminders

- Holding an alcoholic beverage permit is a privilege.
- Permittees are required to comply with Title 7.1 of the Indiana Code and Title 905 of the Indiana Administrative Code, as well as any other laws, rules, or regulations enforced by the ATC or ISEP.
- Failure to comply may result in warnings, violations, fines or civil penalties, and suspension or revocation of a permit.

# Questions?



302 W. Washington Street  
Room E-114  
Indianapolis, IN 46204



[www.in.gov/atc/contact](http://www.in.gov/atc/contact)



317-232-2430