



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

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Effective July 1, 2023, Indiana law now permits all minors under the age of twenty-one (21) to be present in a bar area so long as: 1) the minor is accompanied by a parent, guardian, or other family member that is at least twenty-one (21) years old; 2) the purpose for being on the licensed premises is the consumption of food prepared on the licensed premises; and 3) the minor is seated at a table or booth in the bar area.

What has changed? What hasn't changed?

Indiana Code § [7.1-5-7-11](#)(b) previously permitted minors between the ages of eighteen (18) and twenty (20) to be seated at a table or booth in a bar area for dining purposes if accompanied by a parent, guardian, or family member who is at least twenty-one (21) years old. Under the new law ([HEA 1200](#)), all minors—including those under the age of eighteen (18)—are now able to be seated in a bar area if the above conditions are met.

Minors must still be seated at a table or booth for the purpose of consuming food while accompanied by a parent, guardian, or other family member who is at least twenty-one (21) years old. Similarly, minors are still prohibited from standing or loitering in a bar area and may not be seated at a bar top over which alcoholic beverages are sold or dispensed.

Does this change impact who is able to serve patrons in a bar area?

No. The change allowing minors in bar areas under certain circumstances does not have any effect on alcoholic beverage serving requirements. Servers that have obtained a restricted employee permit and are at least nineteen (19) years old but less than twenty-one (21) years old may only serve alcoholic beverages in a dining area while under the supervision of another employee who is at least twenty-one (21) years of age pursuant to IC [7.1-5-7-13](#). In order to serve patrons in a bar, tavern, or bar area, an employee must be at least twenty-one (21) years old and have a valid employee permit issued by the ATC.

Are permittees required to seat minors in the bar area upon request if they meet the requirements?

No. The purpose of the change in law is to allow retail establishments with dining and bar areas more flexibility, not less. As such, retail permittees may choose whether or not to allow minors in the bar area.

Does this change have any impact on bars and taverns that allow smoking under a smoking ban exception?

No. Bars and taverns that allow smoking are still prohibited from allowing patrons under the age of twenty-one (21) on the premises.

Does this change have any impact on type II gaming operations?

No. IC [4-36-5-2](#)(b) provides that type II gambling games “may not be offered in any part of [a] licensed premises in which a minor may be present under IC [7.1-5-7-11](#)(a)(16).” As such, if a retail permittee has type II gaming located in a bar area, the permittee must choose between offering type II gaming operations in the bar area *or* permitting minors in the bar area—it cannot allow both.