

IC 7.1-3-10

Chapter 10. Liquor Dealers' Permits

IC 7.1-3-10-1

Application

Sec. 1. Application. The commission may issue a liquor dealer's permit to a person who desires to sell liquor to customers for consumption off the licensed premises.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-10-2

Drug stores

Sec. 2. Drug Stores. The commission may issue a liquor dealer's permit to the proprietor of a drug store who holds a license issued by the state board of pharmacy. An applicant for a liquor dealer's permit for a drug store shall not be disqualified under IC 1971, 7.1-3-4-2(m).

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-10-3

Drug store outside corporate limits

Sec. 3. The commission may issue a liquor dealer's permit to a drugstore situated outside the corporate limits of a city or town if the proprietor of the drugstore holds a license issued by the state board of pharmacy. The permit authorized by this section shall be issued in the same manner, and subject to the same restrictions, as that which is provided for in the issuance of a liquor dealer's permit to a drugstore situated inside the corporate limits of a city or town.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.57-1984, SEC.8.

IC 7.1-3-10-4

Package liquor stores

Sec. 4. Package Liquor Stores. The commission may issue a liquor dealer's permit to the proprietor of a package liquor store. An applicant for a liquor dealer's permit for a package liquor store shall not be disqualified under IC 1971, 7.1-3-4-2(m).

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-10-5

Package liquor stores; permissible commodities

Sec. 5. A package liquor store's exclusive business shall be the selling of the following commodities only:

- (1) Liquor in its original package.
- (2) Beer in permissible containers, if the permittee has the proper permit.
- (3) Wine in its original package.
- (4) Bar supplies used in the preparation for consumption of

alcoholic beverages and in their consumption.

(5) Tobacco products.

(6) Uncooled and uniced charged water, carbonated soda, ginger ale, mineral water, grenadine, and flavoring extracts.

(7) Printed materials.

(8) Lottery tickets as provided in IC 4-30-9.

(9) Cooled or uncooled nonalcoholic malt beverages.

(10) Flavored malt beverage in its original package.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.57-1984, SEC.9; P.L.341-1989(ss), SEC.11; P.L.52-1992, SEC.5; P.L.72-1996, SEC.7.

IC 7.1-3-10-6

Sale of beer; application and scope

Sec. 6. Sale of Beer: Application and Scope. The commission may, upon proper application and the payment of the required license fee, issue a beer dealer's permit to the holder of a liquor dealer's permit. However, applications for both of the permits may be made at the same time. The provisions of IC 1971, 7.1-3-5, shall apply to the issuance and enjoyment of a beer dealer's permit issued under the provisions of this section.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-10-7

Scope of permit

Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(c) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(d) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985,

SEC.6; P.L.65-1990, SEC.2; P.L.72-1996, SEC.8; P.L.204-2001, SEC.28.

IC 7.1-3-10-8

Package liquor store; premises

Sec. 8. Package Liquor Store: Premises. A package liquor store shall be conducted wholly apart from another business upon premises wholly separated from another room or store in which another business is conducted.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.58, SEC.1.)

IC 7.1-3-10-9

Cease and desist order

Sec. 9. Cease and Desist Order. The commission shall request the holder of a liquor dealer's permit for a package liquor store to cease and desist the sale of a commodity which, in the judgment of the commission, is not a commodity which may be sold by him under the provisions of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-10-10

Failure to cease; offense

Sec. 10. Failure to Cease. The holder of a liquor dealer's permit for a package liquor store who recklessly fails to cease the sale of a certain commodity after this action has been ordered by the commission commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.701.

IC 7.1-3-10-11

Appeal from order

Sec. 11. Appeal from Order. The holder of a liquor dealer's permit for a package liquor store shall have the same right of appeal from a cease and desist order to sell a certain commodity issued by the commission that is available for the appeal of any other order of the commission under this title.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-10-12

Repealed

(Formerly: Acts 1973, P.L.55, SEC.1. Repealed by P.L.204-2001, SEC.68.)

IC 7.1-3-10-13

Sampling alcoholic beverages on package liquor store premises

Sec. 13. (a) A liquor dealer permittee who is a proprietor of a package liquor store may allow customers to sample the following:

- (1) Beer.

- (2) Wines.
- (3) Liquors.
- (4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).
- (5) Flavored malt beverages.
- (6) Hard cider.
- (b) Sampling is permitted:
 - (1) only on the package liquor store permit premises; and
 - (2) only during the store's regular business hours.
- (c) No charge may be made for the samples provided to the customers.
- (d) Sample size of wines may not exceed one (1) ounce.
- (e) In addition to the other provisions of this section, a proprietor who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:
 - (1) A proprietor may allow a customer to sample not more than a combined total of two (2) liquor, liqueur, or cordial samples per day.
 - (2) Sample size of liqueurs or cordials may not exceed one-half (1/2) ounce.
 - (3) Sample size of liquors may not exceed four-tenths (0.4) ounce.
- (f) A sample size of beer, flavored malt beverage, or hard cider may not exceed six (6) ounces.

As added by P.L.58-1984, SEC.4. Amended by P.L.52-1992, SEC.6; P.L.106-1995, SEC.9; P.L.12-1999, SEC.2; P.L.72-2004, SEC.9; P.L.94-2008, SEC.33.