



February 20, 2015

HOUSE BILL No. 1542

DIGEST OF HB 1542 (Updated February 18, 2015 5:03 pm - DI 107)

Citations Affected: IC 7.1-2; IC 7.1-3; IC 7.1-5.

Synopsis: Various alcoholic beverage matters. Provides that the alcohol and tobacco commission (commission) may process an application for renewal of a permit for which a notice of violation has been issued by the office of the prosecutor of the commission, if authorized by the commission chairman or the chairman's designee. Provides that the commission shall allow a permittee to file an application for renewal not more than one year after the date the permit expires. Requires the commission to provide a letter of authority to operate upon the request of a permittee. Allows the commission to process a permit application while the location of the permit premises is pending and upon a showing of need by the applicant. Requires the commission to issue a temporary beer permit or temporary wine permit if: (1) the permit application is submitted not later than 48 hours before the event; and (2) the applicant meets all the requirements for a permit. Allows the commission to issue a temporary beer permit or temporary wine permit, with the authorization of the chairman or chairman's designee, if: (1) the application is submitted later than 48 hours before the event; and (2) all the requirements for a permit are met. Requires the holder of a supplemental caterer's permit to give the commission 48 hours notice of a catered event (instead of 15 days notice of a catered event). Removes an employee's permit from the permits that the commission shall deny if the applicant for the permit has a tax delinquency. Removes a provision that increases the penalty for an alcoholic beverage retailer or dealer to accept a gift from an alcoholic beverage manufacturer or other permittee from a Class A misdemeanor
(Continued next page)

Effective: July 1, 2015.

Dermody, GiaQuinta

January 20, 2015, read first time and referred to Committee on Public Policy.
February 19, 2015, amended, reported — Do Pass.

HB 1542—LS 7116/DI 87



Digest Continued

to a Level 6 felony if the value of a gift is at least \$750. Allows a senior residence facility to, without an alcoholic beverage permit, possess and give or furnish an alcoholic beverage, by the bottle or by the glass, on the premises of the campus of the senior residence facility for consumption on the premises to: (1) a resident of the senior residence facility who is not a minor and who resides on the premises of the senior residence facility; or (2) a guest or family member of a resident who is not a minor and who is visiting the resident. Adds certain restaurants, bars, and hotels, to the types of premises that do not apply to a statute regarding the issuance of alcohol permits to certain premises. Removes restrictions on selling alcohol on Christmas. Repeals language that restricts Sunday sales of alcohol in clubs. Changes requirements that the commission post notices in newspapers to posting notices on the commission's web site. Provides that a member of a club may invites guests to the club one night a week.

HB 1542—LS 7116/DI 87



February 20, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1542

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 7.1-2-3-20 IS REPEALED [EFFECTIVE JULY 1,
2 2015]. ~~Sec. 20: The commission shall have the power to prohibit or~~
3 ~~regulate, by rule or regulation, the sale of alcoholic beverages within~~
4 ~~this state when the sale is being carried on in violation of IC 24-3-1~~
5 ~~(repealed).~~
6 SECTION 2. IC 7.1-3-1-3, AS AMENDED BY P.L.224-2005,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2015]: Sec. 3. (a) A permit of any type issued by the
9 commission, except as provided in subsections (b) and (f) or unless
10 otherwise provided in this title, shall be in force for one (1) calendar
11 year only, including the day upon which it is granted. At the end of the
12 one (1) year period the permit shall be fully expired and null and void.
13 (b) Notwithstanding subsection (a), a permit that is subject to
14 section 5.5 or 5.6 of this chapter is effective for two (2) calendar years,

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1 including the day upon which the permit is granted. However, a local
2 board may recommend to the commission that the permit be issued or
3 renewed for only a one (1) year period. The commission may issue or
4 renew a permit for the period recommended by the local board.

5 (c) A permittee who is granted a two (2) year permit under
6 subsection (b) or subsection (f) is liable for any annual fees assessed by
7 the commission. The annual fee is due on the annual anniversary date
8 upon which the permit was granted.

9 (d) If the commission grants a two (2) year permit, the commission
10 may ask a local board to hold a hearing to reconsider the duration of a
11 permittee's permit. A hearing held under this subsection is subject to
12 section 5.5 or 5.6 of this chapter. A local board shall hold the hearing
13 requested by the commission within thirty (30) days before the
14 permittee's next annual anniversary date and forward a
15 recommendation to the commission following the hearing.

16 (e) If a permittee is granted a permit for more than one (1) year, the
17 commission shall require the permittee to file annually with the
18 commission the information required for an annual permit renewal.

19 (f) Notwithstanding subsection (a), the following are effective for
20 two (2) calendar years, including the day upon which the permit is
21 granted:

22 (1) A beer wholesaler's permit issued under IC 7.1-3-3-1.

23 (2) A wine wholesaler's permit issued under IC 7.1-3-13-1.

24 (3) A liquor wholesaler's permit issued under IC 7.1-3-8-1.

25 **(g) Except as provided in subsection (h) the commission shall**
26 **timely process a permittee's application for renewal of a permit.**

27 **(h) If an applicant for renewal of a permit receives a notice of**
28 **violation issued by the office of the prosecutor, the commission**
29 **may process the application for renewal, if authorized by the**
30 **chairman or the chairman's designee.**

31 **(i) The commission shall allow an applicant for renewal of a**
32 **permit to file the application for renewal not more than one (1)**
33 **year after the date the permit expires.**

34 **(j) At least thirty (30) days before the date a permit will revert**
35 **to the commission, the commission shall send notice to the**
36 **permittee that the permittee's permit will revert to the commission.**

37 **(k) A permittee may renew a permit more than one (1) year**
38 **after the date the permit expires if the permittee obtains the**
39 **approval of the chairman or the chairman's designee before one (1)**
40 **year after the date the permit expires.**

41 **(l) The chairman may allow the permittee to renew the permit**
42 **more than one (1) year after the expiration of the permit if the**



1 permittee provides evidence that the permittee is engaged in an
 2 administrative or court proceeding that prevents the permittee
 3 from renewing the permit.

4 (m) A permit is effective upon the final approval of the
 5 commission. Upon final approval of a permit, and upon the request
 6 of the permittee, the commission shall provide the permittee with
 7 a letter of authority to operate. The letter of authority to operate
 8 constitutes authorization for the permittee to perform the actions
 9 allowed under the permit until the date the permittee receives the
 10 permit issued by the commission.

11 SECTION 3. IC 7.1-3-1-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. ~~Applications for~~
 13 ~~Permits: Disclosures.~~ (a) **Except as provided in subsection (b)**, an
 14 application for a permit to sell alcoholic beverages of any kind, and the
 15 required publication of notice, shall disclose the name of the applicant
 16 and the specific address where the alcoholic beverages are to be sold,
 17 and any assumed business name under which the business will be
 18 conducted. The application and notice also shall disclose the names
 19 and addresses of the president and secretary of the corporation, club,
 20 association or organization who will be responsible to the public for the
 21 sale of the alcoholic beverage if the applicant is a corporation, club,
 22 association, or other type of organization.

23 (b) **An application for a permit may be processed by the**
 24 **commission while the location of the permit premises is pending,**
 25 **upon a showing of need by the permit applicant. Any permit issued**
 26 **by the commission while the location of the permit premises is**
 27 **pending shall be placed immediately into escrow upon approval of**
 28 **the permit by the commission. If a permit issued by the commission**
 29 **is placed into escrow under this subsection, the applicant must go**
 30 **before the local board for approval of the applicant. Before making**
 31 **a permit in escrow active, the permittee must go before the local**
 32 **board for approval of the location.**

33 SECTION 4. IC 7.1-3-1-18, AS AMENDED BY P.L.224-2005,
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2015]: Sec. 18. (a) Whenever, under the provisions of this
 36 title, publication of notice of application for a permit is required, the
 37 publication shall be made in ~~one (1) newspaper of general circulation~~
 38 ~~published in the county where the permit is to be in effect on the~~
 39 ~~commission's Internet web site.~~

40 (b) Publication required by this section may be made in any
 41 newspaper of general circulation published one (1) or more times each
 42 week.



1 (c) The rates which shall be paid for the advertising of a notice
 2 required under this title shall be those required to be paid in case of
 3 other notices published for or on behalf of the state:

4 SECTION 5. IC 7.1-3-1-29 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2015]: **Sec. 29. (a) For purposes of this section, "health facility"
 7 does not include an intermediate care facility for the mentally
 8 retarded.**

9 (b) As used in this section, "senior residence facility" means a:

10 (1) health facility licensed under IC 16-28; or

11 (2) housing with services establishment (as defined in
 12 IC 12-10-15-3).

13 (c) A senior residence facility may, without a permit issued
 14 under this title, possess and give or furnish an alcoholic beverage,
 15 by the bottle or by the glass, on the premises of the campus of the
 16 senior residence facility for consumption on the premises to any of
 17 the following:

18 (1) A resident who:

19 (A) is not a minor; and

20 (B) resides on the premises of the senior residence facility.

21 (2) A guest or family member of a resident described in
 22 subdivision (1) who:

23 (A) is not a minor; and

24 (B) is visiting the resident at the senior residence facility.

25 (d) Subject to subsection (e), this section may not be construed
 26 to authorize a senior residence facility to sell alcoholic beverages
 27 at the senior residence facility without a permit under this title.

28 (e) For purposes of this section, a senior residence facility that:

29 (1) charges a:

30 (A) room and board fee to residents; or

31 (B) fee for organizing activities for:

32 (i) residents of the senior residence facility; and

33 (ii) guests or family members of the residents;

34 (2) uses a portion of a fee described in subdivision (1) to:

35 (A) purchase alcoholic beverages; and

36 (B) furnish the alcoholic beverages to individuals described
 37 in subsection (c); and

38 (3) does not purchase and furnish the alcoholic beverages for
 39 profit;

40 is not considered to be selling alcoholic beverages.

41 SECTION 6. IC 7.1-3-6-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1. (a) Subject to**



1 sections 3.5 and 3.6 of this chapter, the commission may issue a
 2 temporary beer permit without publication of notice or investigation
 3 before a local board to a qualified person as provided in this chapter.
 4 In all other respects, a temporary beer permit shall be issued, revoked,
 5 and governed by the restrictions and limitations made in a provisional
 6 order or rule or regulation of the commission.

7 **(b) The commission shall issue a temporary beer permit to an**
 8 **applicant if:**

- 9 **(1) the applicant submits an application for a temporary beer**
 10 **permit to the commission not later than forty-eight (48) hours**
 11 **before the event for which the permit is requested; and**
 12 **(2) the applicant meets all requirements for a temporary beer**
 13 **permit.**

14 **(c) If authorized by the chairman or the chairman's designee,**
 15 **and at the commission's discretion, a temporary beer permit may**
 16 **be issued to an applicant that:**

- 17 **(1) submits an application for the temporary beer permit to**
 18 **the commission later than forty-eight (48) hours before the**
 19 **event for which the temporary beer permit is requested; and**
 20 **(2) the applicant meets all requirements for a temporary beer**
 21 **permit.**

22 SECTION 7. IC 7.1-3-9.5-2 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The holder of a
 24 supplemental caterer's permit shall notify the commission in writing
 25 ~~fifteen (15) days~~ **not later than forty-eight (48) hours** in advance of
 26 each function that the permittee intends to cater with alcoholic
 27 beverages. The commission may waive the ~~fifteen (15) day~~ **forty-eight**
 28 **(48) hour** notice period required under this subsection, **if authorized**
 29 **by the chairman or the chairman's designee**, but may not waive the
 30 requirement for filing notice.

31 (b) The notice shall include the following:

- 32 (1) The date, time, and location of the function to be catered.
 33 (2) If the function is open to the public, located in a county having
 34 a population of less than one hundred fifty thousand (150,000),
 35 and located in a different county from the county where the
 36 permittee holds the three-way permit required under section 1 of
 37 this chapter, the signature of the following official on a document
 38 stating the official's approval of the catering of alcoholic
 39 beverages at the proposed date, time, and location:

40 (A) The president of the town council, if the location is in a
 41 town.

42 (B) The mayor, if the location is in a city.



1 (C) The president of the board of county commissioners, if the
2 location is in unincorporated territory.

3 (c) If a permittee complies with all notice requirements of
4 subsection (b), the commission in its absolute discretion has the
5 authority, any other provision of this title to the contrary
6 notwithstanding, to approve the proposed date and location of the
7 function to be catered.

8 (d) The commission need not notify the permittee if the commission
9 approved the proposed date and location, and the permittee may
10 proceed as stated in the permittee's notice to the commission. The
11 commission shall notify the permittee by certified United States mail,
12 in advance of the function, if the commission does not approve the
13 proposed date or location.

14 (e) A permittee whose proposed date or location has been
15 disapproved by the commission still may cater the function on that date
16 and at that location, but the permittee may not cater alcoholic
17 beverages at that function on that date and at that location.

18 SECTION 8. IC 7.1-3-16-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Subject to section
20 5.5 of this chapter, the commission may issue a temporary wine permit
21 without publication of notice or investigation before a local board to a
22 qualified person as provided in this chapter. In all other respects, a
23 temporary wine permit shall be issued, revoked, and governed by the
24 restrictions and limitations made in a provisional order or rule or
25 regulation of the commission.

26 (b) **The commission shall issue a temporary wine permit to an
27 applicant if:**

- 28 (1) **the applicant submits an application for a temporary wine
29 permit to the commission not later than forty-eight (48) hours
30 before the event for which the permit is requested; and**
31 (2) **the applicant meets all requirements for a temporary wine
32 permit.**

33 (c) **If authorized by the chairman or the chairman's designee,
34 and at the commission's discretion, a temporary wine permit may
35 be issued to an applicant that:**

- 36 (1) **submits an application for the temporary wine permit to
37 the commission later than forty-eight (48) hours before the
38 event for which the temporary wine permit is requested; and**
39 (2) **the applicant meets all requirements for a temporary wine
40 permit.**

41 SECTION 9. IC 7.1-3-19-5, AS AMENDED BY P.L.94-2008,
42 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 5. The commission shall cause one (1) notice of
 2 the pending investigation to be published ~~in a newspaper~~ **on the**
 3 **Internet web site of the commission** in accordance with the
 4 provisions of IC 7.1-3-1-18. The publication of the notice shall be at
 5 least fifteen (15) days before the investigation.

6 SECTION 10. IC 7.1-3-20-2.5 IS REPEALED [EFFECTIVE JULY
 7 1, 2015]. ~~Sec. 2.5: (a) This section applies to each holder of a permit~~
 8 ~~issued under section 2, 3, or 4 of this chapter.~~

9 ~~(b) A permit holder may sell alcoholic beverages under the terms of~~
 10 ~~the permit on any twelve (12) Sundays during a calendar year.~~

11 ~~(c) Sales under this section may be made only for on-premises~~
 12 ~~consumption.~~

13 SECTION 11. IC 7.1-3-20-6.5 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 15 [EFFECTIVE JULY 1, 2015]: **Sec. 6.5. A member of a club may**
 16 **invite guests to the club one (1) night each week.**

17 SECTION 12. IC 7.1-3-21-11 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this
 19 section, "wall" means a wall of a building. The term does not include
 20 a boundary wall.

21 (b) Except as provided in ~~subsection~~ **subsections (c) and (d)**, the
 22 commission shall not issue a permit for a premises if a wall of the
 23 premises is situated within two hundred (200) feet from a wall of a
 24 school or church, if no permit has been issued for the premises under
 25 the provisions of Acts 1933, Chapter 80.

26 (c) This section does not apply to premises if:

27 (1) the premises ~~of is~~ a grocery store, ~~or~~ drug store, **restaurant,**
 28 **or bar** if:

29 (A) a wall of the premises is situated within two hundred (200)
 30 feet from a wall of a church or school;

31 (B) the commission receives ~~the a~~ written statement of ~~the an~~
 32 authorized representative of the church or school stating
 33 expressly that the church or school does not object to the
 34 issuance of the permit for the premises; and

35 (C) the commission determines that the church or school does
 36 not object to the issuance of the permit for the premises; or

37 (2) **the premises is** a church or school that applies for a
 38 temporary beer or wine permit.

39 **(d) This section does not apply to the premises of a hotel.**

40 ~~(d)~~ (e) The commission shall base its determination under
 41 subsection (c)(1)(C) solely on the written statement of the authorized
 42 representative of the church or school.



1 ~~(e)~~ **(f)** If the commission does not receive the written statement of
 2 the authorized representative of the church or school, the premises of
 3 the grocery store, ~~or~~ drug store, **restaurant, or bar** may not obtain the
 4 waiver allowed under this subsection.

5 ~~(f)~~ **(g)** If the commission determines that the church or school does
 6 not object, this section and IC 7.1-3-21-10 do not apply to the permit
 7 premises of the grocery store, ~~or~~ drug store, **restaurant, or bar or** on
 8 a subsequent renewal or transfer of ownership.

9 **(h) If a church or school does not object to the issuance of a**
 10 **permit for premises under subsection (c)(1)(C), the commission**
 11 **may not consider subsequent objections from the church or school**
 12 **for future permits for premises.**

13 SECTION 13. IC 7.1-3-21-15, AS AMENDED BY
 14 P.L.293-2013(ts), SECTION 37, IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. **(a) This section**
 16 **does not apply to an employee's permit under IC 7.1-3-18-9.**

17 ~~(a)~~ **(b)** The commission shall not issue, renew, or transfer a
 18 wholesaler, retailer, dealer, or other permit of any type if the applicant:

- 19 (1) is seeking a renewal and the applicant has not paid all the
 20 property taxes under IC 6-1.1 and the innkeeper's tax under IC 6-9
 21 that are due currently;
 22 (2) is seeking a transfer and the applicant has not paid all the
 23 property taxes under IC 6-1.1 and innkeeper's tax under IC 6-9 for
 24 the assessment periods during which the transferor held the
 25 permit;
 26 (3) is seeking a renewal or transfer and is at least thirty (30) days
 27 delinquent in remitting state gross retail taxes under IC 6-2.5 or
 28 withholding taxes required to be remitted under IC 6-3-4; or
 29 (4) is on the most recent tax warrant list supplied to the
 30 commission by the department of state revenue.

31 ~~(b)~~ **(c)** The commission shall issue, renew, or transfer a permit that
 32 the commission denied under subsection ~~(a)~~ **(b)** when the appropriate
 33 one (1) of the following occurs:

- 34 (1) The person, if seeking a renewal, provides to the commission
 35 a statement from the county treasurer of the county in which the
 36 property of the applicant was assessed indicating that all the
 37 property taxes under IC 6-1.1 and, in a county where the county
 38 treasurer collects the innkeeper's tax, the innkeeper's tax under
 39 IC 6-9 that were delinquent have been paid.
 40 (2) The person, if seeking a transfer of ownership, provides to the
 41 commission a statement from the county treasurer of the county
 42 in which the property of the transferor was assessed indicating



1 that all the property taxes under IC 6-1.1 and, in a county where
 2 the county treasurer collects the innkeeper's tax, the innkeeper's
 3 tax under IC 6-9 have been paid for the assessment periods during
 4 which the transferor held the permit.

5 (3) The person provides to the commission a statement from the
 6 commissioner of the department of state revenue indicating that
 7 the person's tax warrant has been satisfied, including any
 8 delinquency in innkeeper's tax if the state collects the innkeeper's
 9 tax for the county in which the person seeks the permit.

10 (4) The commission receives a notice from the commissioner of
 11 the department of state revenue under IC 6-8.1-8-2(k).

12 (5) The commission receives a notice from the commissioner of
 13 the department of state revenue stating that the state gross retail
 14 and withholding taxes described in subsection ~~(a)(3)~~ **(b)(3)** have
 15 been remitted to the department.

16 ~~(c)~~ **(d)** An applicant may not be considered delinquent in the
 17 payment of listed taxes if the applicant has filed a proper protest under
 18 IC 6-8.1-5-1 contesting the remittance of those taxes. The applicant
 19 shall be considered delinquent in the payment of those taxes if the
 20 applicant does not remit the taxes owed to the state department of
 21 revenue after the later of the following:

22 (1) The expiration of the period in which the applicant may appeal
 23 the listed tax to the tax court, in the case of an applicant who does
 24 not file a timely appeal of the listed tax.

25 (2) When a decision of the tax court concerning the applicant's
 26 appeal of the listed tax becomes final, in the case of an applicant
 27 who files a timely appeal of the listed tax.

28 ~~(d)~~ **(e)** The commission may require that an applicant for the
 29 issuance, renewal, or transfer of a wholesaler's, retailer's, or dealer's, or
 30 other permit of any type furnish proof of the payment of a listed tax (as
 31 defined by IC 6-8.1-1-1), tax warrant, or taxes imposed by IC 6-1.1.

32 SECTION 14. IC 7.1-5-5-10, AS AMENDED BY P.L.159-2014,
 33 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 10. (a) It is unlawful for a person who holds a
 35 retailer's or dealer's permit of any type to receive or accept from a
 36 manufacturer of alcoholic beverages, or from a permittee authorized to
 37 sell and deliver alcoholic beverages, a rebate, sum of money, accessory,
 38 furniture, fixture, loan of money, concession, privilege, use, title,
 39 interest, or lease, rehabilitation, decoration, improvement or repair of
 40 premises.

41 (b) A person who knowingly or intentionally violates this section
 42 commits a Class A misdemeanor. ~~However, the offense is a Level 6~~



1 felony if the value received or accepted is at least seven hundred fifty
2 dollars (\$750):

3 SECTION 15. IC 7.1-5-7-11, AS AMENDED BY P.L.10-2010,
4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 11. (a) The provisions of sections 9 and 10 of this
6 chapter shall not apply if the public place involved is one (1) of the
7 following:

- 8 (1) Civic center.
- 9 (2) Convention center.
- 10 (3) Sports arena.
- 11 (4) Bowling center.
- 12 (5) Bona fide club.
- 13 (6) Drug store.
- 14 (7) Grocery store.
- 15 (8) Boat.
- 16 (9) Dining car.
- 17 (10) Pullman car.
- 18 (11) Club car.
- 19 (12) Passenger airplane.
- 20 (13) Horse racetrack facility holding a recognized meeting permit
21 under IC 4-31-5.
- 22 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 23 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
24 public.
- 25 (16) That part of a hotel or restaurant which is separate from a
26 room in which is located a bar over which alcoholic beverages are
27 sold or dispensed by the drink.
- 28 (17) Entertainment complex.
- 29 (18) Indoor golf facility.
- 30 (19) A recreational facility such as a golf course, bowling center,
31 or similar facility that has the recreational activity and not the sale
32 of food and beverages as the principal purpose or function of the
33 person's business.
- 34 (20) A licensed premises owned or operated by a postsecondary
35 educational institution described in IC 21-17-6-1.
- 36 (21) An automobile racetrack.
- 37 (22) An indoor theater under IC 7.1-3-20-26.
- 38 **(23) A senior residence facility (as defined in IC 7.1-3-1-29(b))**
39 **at which alcoholic beverages are given or furnished as**
40 **provided under IC 7.1-3-1-29.**

41 (b) For the purpose of this subsection, "food" means meals prepared
42 on the licensed premises. It is lawful for a minor to be on licensed



1 premises in a room in which is located a bar over which alcoholic
2 beverages are sold or dispensed by the drink if all the following
3 conditions are met:

- 4 (1) The minor is eighteen (18) years of age or older.
- 5 (2) The minor is in the company of a parent, guardian, or family
6 member who is twenty-one (21) years of age or older.
- 7 (3) The purpose for being on the licensed premises is the
8 consumption of food and not the consumption of alcoholic
9 beverages.

10 SECTION 16. IC 7.1-5-10-1, AS AMENDED BY P.L.159-2014,
11 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (c), it is
13 unlawful to sell alcoholic beverages at ~~the following times:~~

- 14 ~~(1) At a time other than that made lawful by the provisions of~~
15 ~~IC 7.1-3-1-14.~~
- 16 ~~(2) On Christmas Day and until 7:00 o'clock in the morning,~~
17 ~~prevailing local time, the following day.~~

18 (b) During the time when the sale of alcoholic beverages is
19 unlawful, no alcoholic beverages shall be sold, dispensed, given away,
20 or otherwise disposed of on the licensed premises and the licensed
21 premises shall remain closed to the extent that the nature of the
22 business carried on at the premises, as at a hotel or restaurant, permits.

23 (c) It is lawful for the holder of a valid beer, wine, or liquor
24 wholesaler's permit to sell to the holder of a valid retailer's or dealer's
25 permit at any time.

26 (d) A person who knowingly or intentionally violates this section
27 commits a Class B misdemeanor.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1542, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-2-3-20 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 20: The commission shall have the power to prohibit or regulate, by rule or regulation, the sale of alcoholic beverages within this state when the sale is being carried on in violation of IC 24-3-1 (repealed).~~".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"(j) At least thirty (30) days before the date a permit will revert to the commission, the commission shall send notice to the permittee that the permittee's permit will revert to the commission.

(k) A permittee may renew a permit more than one (1) year after the date the permit expires if the permittee obtains the approval of the chairman or the chairman's designee before one (1) year after the date the permit expires.

(l) The chairman may allow the permittee to renew the permit more than one (1) year after the expiration of the permit if the permittee provides evidence that the permittee is engaged in an administrative or court proceeding that prevents the permittee from renewing the permit."

Page 2, line 29, delete "(j)" and insert "**(m)**".

Page 3, line 11, after "commission." insert "**If a permit issued by the commission is placed into escrow under this subsection, the applicant must go before the local board for approval of the applicant. Before making a permit in escrow active, the permittee must go before the local board for approval of the location.**

SECTION 4. IC 7.1-3-1-18, AS AMENDED BY P.L.224-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. ~~(a) Whenever, under the provisions of this title, publication of notice of application for a permit is required, the publication shall be made in one (1) newspaper of general circulation published in the county where the permit is to be in effect on the commission's Internet web site.~~

~~(b) Publication required by this section may be made in any newspaper of general circulation published one (1) or more times each week.~~

~~(c) The rates which shall be paid for the advertising of a notice~~



required under this title shall be those required to be paid in case of other notices published for or on behalf of the state."

Page 3, line 23, after "of the" insert "**campus of the**".

Page 6, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 9. IC 7.1-3-19-5, AS AMENDED BY P.L.94-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The commission shall cause one (1) notice of the pending investigation to be published **in a newspaper on the Internet web site of the commission** in accordance with the provisions of IC 7.1-3-1-18. The publication of the notice shall be at least fifteen (15) days before the investigation.

SECTION 10. IC 7.1-3-20-2.5 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2-5: (a) This section applies to each holder of a permit issued under section 2, 3, or 4 of this chapter:~~

~~(b) A permit holder may sell alcoholic beverages under the terms of the permit on any twelve (12) Sundays during a calendar year:~~

~~(c) Sales under this section may be made only for on-premises consumption.~~

SECTION 11. IC 7.1-3-20-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.5. A member of a club may invite guests to the club one (1) night each week.**

SECTION 12. IC 7.1-3-21-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) Except as provided in ~~subsection subsections~~ (c) and (d), the commission shall not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church, if no permit has been issued for the premises under the provisions of Acts 1933, Chapter 80.

(c) This section does not apply to premises if:

(1) the premises ~~of is~~ a grocery store, ~~or~~ drug store, **restaurant, or bar** if:

(A) a wall of the premises is situated within two hundred (200) feet from a wall of a church or school;

(B) the commission receives ~~the a~~ written statement of ~~the an~~ authorized representative of the church or school stating expressly that the church or school does not object to the issuance of the permit for the premises; and

(C) the commission determines that the church or school does not object to the issuance of the permit for the premises; or



(2) **the premises is** a church or school that applies for a temporary beer or wine permit.

(d) This section does not apply to the premises of a hotel.

~~(e)~~ (e) The commission shall base its determination under subsection (c)(1)(C) solely on the written statement of the authorized representative of the church or school.

~~(f)~~ (f) If the commission does not receive the written statement of the authorized representative of the church or school, the premises of the grocery store, ~~or~~ drug store, **restaurant, or bar** may not obtain the waiver allowed under this subsection.

~~(g)~~ (g) If the commission determines that the church or school does not object, this section and IC 7.1-3-21-10 do not apply to the permit premises of the grocery store, ~~or~~ drug store, **restaurant, or bar** or on a subsequent renewal or transfer of ownership.

(h) If a church or school does not object to the issuance of a permit for premises under subsection (c)(1)(C), the commission may not consider subsequent objections from the church or school for future permits for premises."

Page 9, after line 2, begin a new paragraph and insert:

"SECTION 16. IC 7.1-5-10-1, AS AMENDED BY P.L.159-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (c), it is unlawful to sell alcoholic beverages at ~~the following times:~~

~~(1) At~~ a time other than that made lawful by the provisions of IC 7.1-3-1-14.

~~(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.~~

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises and the licensed premises shall remain closed to the extent that the nature of the business carried on at the premises, as at a hotel or restaurant, permits.

(c) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.



(d) A person who knowingly or intentionally violates this section commits a Class B misdemeanor."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1542 as introduced.)

DERMODY

Committee Vote: yeas 9, nays 1.

