

**IC 7.1**                      **TITLE 7.1. ALCOHOL AND TOBACCO**

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**IC 7.1-1**                      **ARTICLE 1. GENERAL PROVISIONS**

- Ch. 1.                      General Purposes of Title
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**IC 7.1-1-1**                      **Chapter 1. General Purposes of Title**

- 7.1-1-1-1                      General purposes
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**IC 7.1-1-1-1**                      **General purposes**

Sec. 1. The following are the general purposes of this title:

- (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.

[Pre-1973 Recodification Citations: 7-1-1-1; 7-1-1-2.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.250-2003, SEC.1.*

**IC 7.1-1-1-11.5**                      **Repealed**

*As added by P.L.24-1991, SEC.3. Repealed by P.L.1-1992, SEC.26.*

**IC 7.1-1-2 Chapter 2. Construction and Scope of Title**

7.1-1-2-0.1	Repealed
7.1-1-2-1	Construction
7.1-1-2-2	Scope
7.1-1-2-3	Exceptions
7.1-1-2-4	Gender and number
7.1-1-2-5	Direct and indirect prohibition
7.1-1-2-6	Repealed
7.1-1-2-13	Repealed

**IC 7.1-1-2-0.1 Repealed**

*As added by P.L.220-2011, SEC.169. Repealed by P.L.63-2012, SEC.7.*

**IC 7.1-1-2-1 Construction**

Sec. 1. Construction. This title is an exercise of the police powers of the state. The classifications and differentiations made in this title are real and are actually and substantially related to the accomplishment of the purposes of this title. The provisions of this title shall be liberally construed so as to effectuate the purposes of this title.

[Pre-1973 Recodification Citation: 7-1-1-1.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-2-2 Scope**

Sec. 2. Except as provided in IC 7.1-5-1-3, IC 7.1-5-1-6, IC 7.1-5-7, and IC 7.1-5-8, this title applies to the following:

- (1) The commercial manufacturing, bottling, selling, bartering, importing, transporting, delivering, furnishing, or possessing of alcohol, alcoholic beverages, industrial alcohol, malt, malt syrup, malt extract, liquid malt or wort.
- (2) The sale, possession, use, and distribution of tobacco products.

[Pre-1973 Recodification Citation: 7-1-1-2.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.213-2001, SEC.1; P.L.250-2003, SEC.2; P.L.141-2012, SEC.1; P.L.159-2014, SEC.1.*

**IC 7.1-1-2-3 Exceptions**

Sec. 3. (a) The provisions of this title shall not prohibit the following:

- (1) The manufacture, sale, possession, transportation, or use of vinegar.
  - (2) The sale or transportation of sacramental wine to a minister, priest, or rabbi for a religious purpose.
  - (3) The manufacture, purchase, possession, transportation, or distribution of sacramental wine for a religious purpose by a minister, priest, or rabbi.
  - (4) The manufacture of wine or beer that is not offered for sale and is used only for the following purposes:
    - (A) Personal or family use.
    - (B) Use in the residence of the person who manufactures the wine or beer.
    - (C) Use at organized affairs or exhibitions.
    - (D) Technical or sensory evaluations.
    - (E) Wine or beer educational seminars.
    - (F) Wine or beer competitions, including contests, tastings, or judgments.
  - (5) The manufacture, sale, possession, transportation, or use of industrial alcohol.
  - (6) Alcoholic beverages held, served, or consumed on airline flights.
- (b) The transportation and the possession of alcoholic beverages described in subsection (a)(4) shall not be prohibited but shall be subject to the applicable provisions of this title.
- (c) The manufacture, sale, possession, transportation, or use of alcohol or alcoholic beverages, or a preparation containing alcohol for a medicinal, scientific, or mechanical

purpose, shall not be prohibited but shall be controlled, regulated, and confined to permittees as provided in this title.

[Pre-1973 Recodification Citation: 7-1-1-4.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1978, P.L.51, SEC.1; P.L.177-1999, SEC.3.*

**IC 7.1-1-2-4 Gender and number**

Sec. 4. Gender and Number. For purposes of this title, the masculine gender includes the feminine and where appropriate, the singular number includes the plural.

[1973 Recodification Citation: New.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-2-5 Direct and indirect prohibition**

Sec. 5. Direct and Indirect Prohibition. For the purposes of this title, whenever a person is prohibited from doing a certain act or holding a certain interest directly, he shall be prohibited also from doing that act or holding that interest indirectly.

[1973 Recodification Citation: New.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-2-6 Repealed**

[1973 Recodification Citation: New.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1976, P.L.24, SEC.5; Acts 1982, P.L.69, SEC.1. Repealed by P.L.1-1988, SEC.10.*

**IC 7.1-1-2-13 Repealed**

*As added by P.L.104-1995, SEC.1. Amended by P.L.70-1996, SEC.1. Repealed by P.L.1-1999, SEC.18.*

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**IC 7.1-1-3-1            Generally**

Sec. 1. Generally. The definitions contained in this chapter shall be applied throughout this title unless the context clearly requires otherwise.

[1973 Recodification Citation: New.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-2            "Accommodations"**

Sec. 2. Accommodations. The term "accommodations" means the seating capacity for the serving of food in a room in which alcoholic beverages are sold. It does not mean any accommodation or seating capacity in the sleeping quarters in a hotel.

[Pre-1973 Recodification Citation: 7-1-1-11.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-3            "Adulterated alcoholic beverage"**

Sec. 3. Adulterated Alcoholic Beverage. The term "adulterated alcoholic beverage" means:

- (a) An alcoholic beverage that contains an ingredient prohibited by law or by a rule or regulation of the commission;
- (b) An alcoholic beverage possessed, kept or offered for sale, or sold, which does not correspond substantially to the analysis, brand, or formula which has been registered with the commission; or,
- (c) An alcoholic beverage whose analysis or formula is required to be registered with the commission and is not registered.

[Pre-1973 Recodification Citations: 7-1-1-5(13); 7-1-1-33(b).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-3.5         "Advertising specialty"**

Sec. 3.5. "Advertising specialty" means an item having a fair market value of:

- (1) not more than one thousand dollars (\$1,000); or
- (2) more than one thousand dollars (\$1,000) with the prior written approval of the commission;

that is designed to be used within a retailer or dealer establishment to attract consumer attention to the products of a manufacturer. The term includes items such as posters, placards, designs, inside signs (electric, mechanical, or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars, and alcoholic beverage lists or menus. An advertising specialty must bear conspicuous and substantial advertising matter about the product or the manufacturer or wholesaler that is permanently inscribed or securely affixed.

*As added by P.L.270-2017, SEC.1.*

**IC 7.1-1-3-4 "Alcohol"**

Sec. 4. Alcohol. The term "alcohol" means the compound C<sub>2</sub>H<sub>5</sub>OH, known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

[Pre-1973 Recodification Citation: 7-1-1-3(f).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-5 "Alcoholic beverage"**

Sec. 5. The term "alcoholic beverage" means a liquid or solid that:

- (1) is, or contains, one-half percent (0.5%) or more alcohol by volume;
- (2) is fit for human consumption; and
- (3) is reasonably likely, or intended, to be used as a beverage.

[Pre-1973 Recodification Citations: 7-1-1-3(a); 7-1-1-3(e).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.78-1986, SEC.1.*

**IC 7.1-1-3-5.5 "Applicant"**

Sec. 5.5. (a) "Applicant", for purposes of IC 7.1-3-18.5, means a person who applies for a tobacco sales certificate.

(b) "Applicant", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-2.

*As added by P.L.94-2008, SEC.2. Amended by P.L.176-2015, SEC.1.*

**IC 7.1-1-3-6 "Beer"**

Sec. 6. Beer. The term "beer" means an alcoholic beverage obtained by the fermentation of an infusion or decoction of barley malt or other cereal and hops in water.

[Pre-1973 Recodification Citation: 7-1-1-3(b).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-7 "Bona fide evidence of majority or identity"**

Sec. 7. Bona Fide Evidence of Majority or Identity. The term "bona fide evidence of majority or identity" means a document, including, but not limited to, a license or permit to operate a motor vehicle, a Selective Service registration certificate, or an United States Armed Forces identification card, but excluding a voter's registration card, issued by the federal or state governments or one (1) of their political subdivisions.

[Pre-1973 Recodification Citation: 7-5-2-3(b).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-8 "Carrier"**

Sec. 8. Carrier. The term "carrier" means:

- (a) A common carrier, whether licensed under the laws of this state or not;
- (b) A person as a proprietor who operates a transportation facility when regularly or casually operating intrastate state or from another state into this state; or,
- (c) A person who carries alcoholic beverages for hire or as a free accommodation for a consignor or consignee and who has no permit under this title authorizing him to sell, furnish, give away, manufacture, or rectify alcoholic beverages.

[Pre-1973 Recodification Citation: 7-1-1-30.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-8.5 "Certificate"**

Sec. 8.5. "Certificate" means a tobacco sales certificate for purposes of IC 7.1-3-18.5.

*As added by P.L.250-2003, SEC.3.*

**IC 7.1-1-3-9 "Chairman"**

Sec. 9. The term "chairman" means the presiding officer of the commission who is

appointed by the governor pursuant to IC 7.1-2-1-5.

[Pre-1973 Recodification Citation: 7-1-1-3(k).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.83.*

**IC 7.1-1-3-9.5 "Hard cider"**

Sec. 9.5. The term "hard cider" means an alcoholic beverage that:

- (1) is made from the normal alcoholic fermentation of the juice of sound, ripe apples; and
- (2) contains at least one-half of one percent (0.5%) of alcohol by volume and not more than seven percent (7%) of alcohol by volume.

The term includes flavored, sparkling, or carbonated cider and cider made from condensed apple.

*As added by P.L.119-1998, SEC.21.*

**IC 7.1-1-3-10 "Club"**

Sec. 10. The term "club" means an association or corporation which meets the requirements provided in IC 7.1-3-20-1.

[Pre-1973 Recodification Citation: 7-1-1-3(c).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.84.*

**IC 7.1-1-3-11 "Commercially"**

Sec. 11. Commercially. The term "commercially" means the manufacturing, bottling, selling, bartering, transporting, delivering, furnishing, or possessing of alcohol or alcoholic beverages elsewhere than in one's own residence.

[Pre-1973 Recodification Citation: 7-1-1-2.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-12 "Commission"**

Sec. 12. The term "commission" means the alcohol and tobacco commission created by this title.

[Pre-1973 Recodification Citations: 7-1-1-3(d); 7-1-3-2; 7-2-1-5.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.204-2001, SEC.15.*

**IC 7.1-1-3-12.5 "Consumer advertising specialty"**

Sec. 12.5. "Consumer advertising specialty" means an item having a fair market value of:

- (1) not more than three hundred dollars (\$300); or
- (2) more than three hundred dollars (\$300) with the prior written approval of the commission;

that is designed to be carried away from the retailer or dealer establishment by the consumer. The term includes items such as trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps, and visors. A consumer advertising specialty must bear conspicuous and substantial advertising matter about the product or the manufacturer or wholesaler that is permanently inscribed or securely affixed.

*As added by P.L.270-2017, SEC.2.*

**IC 7.1-1-3-13 "Container"**

Sec. 13. (a) "Container", except as provided in subsection (b), means a receptacle in which an alcoholic beverage is immediately contained and with which the alcoholic beverage contained in it is in immediate contact.

(b) "Container", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-5.

[Pre-1973 Recodification Citation: 7-1-1-33(g).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.176-2015, SEC.2.*

**IC 7.1-1-3-13.5 "Conviction for operating while intoxicated"**

Sec. 13.5. "Conviction for operating while intoxicated" means a conviction (as defined in IC 9-13-2-38):

- (1) in Indiana for a crime under IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6, or IC 14-15-8 (before its repeal); or
- (2) in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6, or IC 14-15-8-8 (before its repeal).

*As added by P.L.204-2001, SEC.16. Amended by P.L.40-2012, SEC.1; P.L.196-2015, SEC.1.*

**IC 7.1-1-3-14 "Denatured alcohol"**

Sec. 14. Denatured Alcohol. The term "denatured alcohol" means alcohol to which has been added a substance or ingredient for the purpose of producing a compound or mixture which is unlikely to be used as a beverage and which is unfit for human consumption. Denatured alcohol is to be considered a form of industrial alcohol.

[Pre-1973 Recodification Citation: 7-1-1-3(g).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.2-1995, SEC.37.*

**IC 7.1-1-3-14.5 "Department"**

Sec. 14.5. (a) "Department", except as provided in subsection (b), means the Indiana Department of State Revenue.

(b) "Department", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-7.

*Formerly: Acts 1973, P.L.56, SEC.1. As amended by P.L.176-2015, SEC.3.*

**IC 7.1-1-3-15 "Drug store"**

Sec. 15. Drug Store. The term "drug store" means a retail business establishment in which medicines and miscellaneous articles are sold.

[Pre-1973 Recodification Citation: 7-1-1-20.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-15.5 "Electronic cigarette"**

Sec. 15.5. "Electronic cigarette", has the meaning set forth in IC 35-46-1-1.5.

*As added by P.L.20-2013, SEC.1. Amended by P.L.176-2015, SEC.4; P.L.206-2017, SEC.1.*

**IC 7.1-1-3-16 "Enforcement officer"**

Sec. 16. The term "enforcement officer" means a person employed by the commission to perform duties pursuant to IC 7.1-2.

[Pre-1973 Recodification Citation: 7-2-1-3(a).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.85.*

**IC 7.1-1-3-16.4 "Entertainment"**

Sec. 16.4. "Entertainment", for purposes of IC 7.1-5-5, means the following:

- (1) Participation in a sporting event.
- (2) Attendance at a sporting event or an event featuring live performances.

*As added by P.L.270-2017, SEC.3.*

**IC 7.1-1-3-16.5 "Entertainment complex"**

Sec. 16.5. The term "entertainment complex" means a premises that:

- (1) is a site for the performance of musical, theatrical, or other entertainment;
- (2) if located in a county containing a consolidated city:
  - (A) includes an area where at least two thousand (2,000) individuals may be seated at one (1) time in permanent seating; and
  - (B) is located in a facility that is:



- (i) on the National Register of Historic Places; or
- (ii) located within the boundaries of a historic district that is established by ordinance under IC 36-7-11-7; and
- (3) if located in a county other than a county containing a consolidated city, includes an area where at least twelve thousand (12,000) individuals may be seated at one (1) time in permanent seating.

*As added by P.L.71-1996, SEC.1.*

**IC 7.1-1-3-16.7 "Flavored malt beverage"**

Sec. 16.7. The term "flavored malt beverage" means an alcoholic beverage that has all of the following attributes:

(1) The alcoholic beverage is made from a malt beverage base that is flavored with aromatic essences or other flavorings in quantities and proportions that result in a product that possesses a character and flavor distinctive from the malt beverage base and is distinguishable from other malt beverages.

(2) The label, packaging, container, and any advertising or depiction of the alcoholic beverage disseminated, broadcast, or available in Indiana do not contain any of the following words, or a derivative, version, or non-English translation of the following words:

- (A) Beer.
- (B) Lager.
- (C) Pilsner.
- (D) Stout.
- (E) Porter.
- (F) Ale.
- (G) Cider.
- (H) Framboise.
- (I) Lambic.
- (J) Draft.
- (K) Liquor.
- (L) Bitter.
- (M) Brew.

However, the label and packaging may contain in only one (1) location the words "flavored beer" placed adjacent to each other in type not to exceed two (2) millimeters in height.

(3) The alcoholic beverage is not distributed in aluminum or other metal containers.

(4) The alcoholic beverage creates no foam that gives the appearance of beer when the alcoholic beverage is poured from its container.

*As added by P.L.72-1996, SEC.1.*

**IC 7.1-1-3-17 "Fraternal club"**

Sec. 17. The term "fraternal club" means an association or corporation which meets the requirements provided in IC 7.1-3.

[Pre-1973 Recodification Citation: 7-1-1-3(c).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.86.*

**IC 7.1-1-3-18 "Gallon"**

Sec. 18. Gallon. The term "gallon" means a liquid measure containing two hundred thirty-one (231) cubic inches.

[Pre-1973 Recodification Citation: 7-1-1-41(e).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-18.3 "Gift"**

Sec. 18.3. "Gift", for purposes of IC 7.1-5-5, means anything of value, including a rebate, sum of money, accessory, furniture, fixture, loan of money, concession, privilege, use, title, interest, or lease, rehabilitation, decoration, improvement, or repair of premises.  
*As added by P.L.270-2017, SEC.4.*

**IC 7.1-1-3-18.5 "Grocery store"**

Sec. 18.5. (a) "Grocery store" means a store or part of a store that is known generally as:

(1) a supermarket, grocery store, or delicatessen and is primarily engaged in the retail sale of a general food line, which may include:

- (A) canned and frozen foods;
- (B) fresh fruits and vegetables; and
- (C) fresh and prepared meats, fish, and poultry;

(2) subject to subsection (b), a convenience store or food mart and is primarily engaged in:

(A) the retail sale of a line of goods that may include milk, bread, soda, and snacks;  
or

(B) the retail sale of automotive fuels and the retail sale of a line of goods that may include milk, bread, soda, and snacks;

(3) a warehouse club, superstore, supercenter, or general merchandise store and is primarily engaged in the retail sale of a general line of groceries or gourmet foods in combination with general lines of new merchandise, which may include apparel, furniture, and appliances; or

(4) a specialty or gourmet food store primarily engaged in the retail sale of miscellaneous specialty foods not for immediate consumption and not made on the premises, not including:

- (A) meat, fish, and seafood;
- (B) fruits and vegetables;
- (C) confections, nuts, and popcorn; and
- (D) baked goods.

(b) The term includes a convenience store or food mart as described in subsection (a)(2) only if the sale of alcoholic beverages on the premises of the convenient store or food mart represents a percentage of annual gross sales of twenty-five percent (25%) or less of all items sold on the premises, excluding gasoline and automotive oil products.

(c) The term does not include an establishment known generally as a gas station that is primarily engaged in:

(1) the retail sale of automotive fuels, which may include diesel fuel, gasohol, or gasoline; or

(2) the retail sale of automotive fuels, which may include diesel fuel, gasohol, or gasoline and activities that may include providing repair service, selling automotive oils, replacement parts, and accessories, or providing food services.

*As added by P.L.94-2008, SEC.3.*

**IC 7.1-1-3-19 "Hotel"**

Sec. 19. The term "hotel" means an establishment which meets the requirements provided in IC 7.1-3-20-18.

[Pre-1973 Recodification Citation: 7-1-1-3(n).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.79-1986, SEC.1.*

**IC 7.1-1-3-19.5 "Internet company"**

Sec. 19.5. "Internet company" means a person that:

- (1) has the permits required under this title for the person to conduct business in Indiana;
- (2) does business in more than one (1) state or country; and

(3) solicits orders for the sale of alcoholic beverages to a person in Indiana through the Internet.

*As added by P.L.204-2001, SEC.17.*

**IC 7.1-1-3-19.7 "Law enforcement officer"**

Sec. 19.7. "Law enforcement officer", for purposes of IC 7.1-5-1-6.5, has the meaning set forth in IC 35-31.5-2-185.

*As added by P.L.93-2012, SEC.1. Amended by P.L.114-2012, SEC.15.*

**IC 7.1-1-3-20 "Licensed premises"**

Sec. 20. Licensed Premises. The term "licensed premises" means a building, or part of a building, in which alcoholic beverages are authorized by a permit to be kept, manufactured, or sold. The term does not mean the residential portion of a building in which alcoholic beverages are not kept, manufactured, sold, furnished, or given away under the permit, nor does it mean a separate room furnished a guest as sleeping quarters in a club or hotel.

[Pre-1973 Recodification Citation: 7-2-1-7.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-20.5 "Limited liability company"**

Sec. 20.5. The term "limited liability company" has the meaning set forth in IC 23-18-1-11.

*As added by P.L.51-1994, SEC.1.*

**IC 7.1-1-3-20.7 "Limited partnership"**

Sec. 20.7. The term "limited partnership" has the meaning set forth in IC 23-16-1-9.

*As added by P.L.105-1995, SEC.1.*

**IC 7.1-1-3-21 "Liquor"**

Sec. 21. Liquor. The term "liquor" means an alcoholic beverage containing alcohol obtained by distillation. The term also means a wine that contains twenty-one per cent (21%), or more, of alcohol reckoned by volume. However, the term does not include industrial alcohol.

[Pre-1973 Recodification Citation: 7-1-1-3(o).]

*Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.2.*

**IC 7.1-1-3-22 "Local board"**

Sec. 22. The term "local board" means a local alcoholic beverage board of a county created pursuant to the provisions of IC 7.1-2-4.

[Pre-1973 Recodification Citation: 7-1-1-5 (cl. 19).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.87.*

**IC 7.1-1-3-23 "Malt articles"**

Sec. 23. Malt Articles. The term "malt articles" means malt, malt syrup, malt extract, liquid malt, or wort, and their containers.

[Pre-1973 Recodification Citation: 7-1-1-3(q).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-24 "Member of a club"**

Sec. 24. The term "member of a club" means a person who meets the requirements provided in IC 7.1-3-20-6.

[Pre-1973 Recodification Citation: 7-1-1-3(h).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.88.*

**IC 7.1-1-3-25 "Minor"**

Sec. 25. (a) "Minor", except as provided in subsection (b), means a person less than twenty-one (21) years of age.

(b) "Minor", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-17.

[1973 Recodification Citation: New.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.176-2015, SEC.5.*

**IC 7.1-1-3-26 "Misbranded alcoholic beverage"**

Sec. 26. Misbranded Alcoholic Beverage. The term "misbranded alcoholic beverage" means:

(a) An alcoholic beverage that is not plainly labeled, marked, or otherwise designated in compliance with the rules and regulations of the commission; or,

(b) An alcoholic beverage sold or offered for sale under an unregistered brand, copyright, or label, or under a false or pretended brand or label.

[Pre-1973 Recodification Citations: 7-1-1-5(13); 7-1-1-33(b).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-26.3 "Motor vehicle"**

Sec. 26.3. "Motor vehicle" means a vehicle that is self-propelled.

*As added by P.L.106-1995, SEC.1. Amended by P.L.221-2014, SEC.6.*

**IC 7.1-1-3-26.5 "Nonalcoholic malt beverage"**

Sec. 26.5. The term "nonalcoholic malt beverage" means a liquid that:

(1) is fit for human consumption;

(2) is reasonably likely or is intended to be used as a beverage;

(3) is produced:

(A) in a manner similar to beer; and

(B) from ingredients similar to beer; and

(4) contains less than one-half percent (0.5%) alcohol by volume.

*As added by P.L.52-1992, SEC.1.*

**IC 7.1-1-3-27 "One-way permit"**

Sec. 27. One-Way Permit. The term "one-way permit" means a beer retailer's permit issued to a permittee.

[Pre-1973 Recodification Citation: 7-3-4-2.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-28 "Package liquor store"**

Sec. 28. The term "package liquor store" means a place or establishment that meets the requirements provided in IC 7.1-3-10, and whose exclusive business is the retail sale of alcoholic beverages and commodities that are permissible under this title for use or consumption only off the licensed premises.

[Pre-1973 Recodification Citation: 7-1-1-20.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.89.*

**IC 7.1-1-3-28.5 "Partnership"**

Sec. 28.5. The term "partnership" has the meaning set forth in IC 23-4-1-6.

*As added by P.L.51-1994, SEC.2. Amended by P.L.105-1995, SEC.2.*

**IC 7.1-1-3-29 "Permit"**

Sec. 29. (a) "Permit", except as provided in subsection (b), means a written authorization issued by the commission entitling its holder to manufacture, rectify, distribute, transport, sell, or otherwise deal in alcoholic beverages, all as provided in this title.

(b) "Permit", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-18.

[Pre-1973 Recodification Citation: 7-2-1-19(f).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.176-2015, SEC.6.*

**IC 7.1-1-3-30 "Permittee"**

Sec. 30. (a) "Permittee", except as provided in subsection (b), means a person who is the holder of a valid permit under this title, including an agent, servant, or employee of, or other person acting on behalf of, a permittee, whenever a permittee is prohibited from doing a certain act under this title.

(b) "Permittee", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-19.

[1973 Recodification Citation: New.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.176-2015, SEC.7.*

**IC 7.1-1-3-31 "Person"**

Sec. 31. The term "person" includes:

- (1) a natural individual;
- (2) a firm;
- (3) a corporation;
- (4) a partnership;
- (5) a limited partnership;
- (6) a limited liability company;
- (7) an incorporated or unincorporated association; or
- (8) other legal entity;

whether acting by themselves or by a servant, an agent, or an employee.

[Pre-1973 Recodification Citations: 7-1-1-3(1); 7-1-3-2; 7-2-1-19(b).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.105-1995, SEC.3.*

**IC 7.1-1-3-32 "Pint"**

Sec. 32. Pint. The term "pint" means a liquid measure equal to one-eighth (1/8) of a gallon.

[Pre-1973 Recodification Citation: 7-1-1-41(e).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-32.3 "Powdered or crystalline alcohol"**

Sec. 32.3. "Powdered or crystalline alcohol" means alcohol in a powdered or crystalline form, for either direct use or reconstitution.

*As added by P.L.70-2015, SEC.1.*

**IC 7.1-1-3-32.5 "Primary source of supply"**

Sec. 32.5. The term "primary source of supply" means, in regard to the alcoholic beverage being sold to a wholesaler:

- (1) an artisan distiller or distiller of the alcoholic beverage;
- (2) a producer of the alcoholic beverage;
- (3) a vintner of the alcoholic beverage;
- (4) a rectifier of the alcoholic beverage;
- (5) an importer into the United States of the alcoholic beverage;
- (6) an owner of the alcoholic beverage at the time it becomes a marketable product;
- (7) a bottler of the alcoholic beverage;
- (8) a brewer of the alcoholic beverage; or
- (9) an agent specifically authorized to make sales to an Indiana wholesaler by a person listed in subdivisions (1) through (8).

*As added by P.L.57-1984, SEC.1. Amended by P.L.109-2013, SEC.1.*

**IC 7.1-1-3-32.7 "Professional and educational expenses"**

Sec. 32.7. "Professional and educational expenses", for purposes of IC 7.1-5-5, means one

(1) or more of the following:

(1) A primary source of supply or wholesaler may participate in retailer or dealer association activities. A primary source of supply or wholesaler may do the following:

(A) Display its products at a convention or trade show.

(B) Rent display booth space if the rental fee is not excessive and is the same as paid by all exhibitors.

(C) Provide its own hospitality that is independent from association sponsored activities.

(D) Purchase tickets to functions and pay registration fees if the payments or fees are not excessive and are the same as paid by all exhibitors.

(E) Make payments for advertisements in programs or brochures issued by retailer or dealer associations at a convention or trade show if the total payments made are not excessive and are the same as paid by all other advertisers.

(2) A primary source of supply or wholesaler may give or sponsor educational seminars for employees of retailers or dealers either at the primary source of supply's or wholesaler's premises or at the retailer or dealer establishment. Examples of educational seminars include the following:

(A) Seminars dealing with the use of a retailer's or dealer's equipment.

(B) Training seminars for employees of retailers or dealers.

(C) Tours of a primary source of supply's or wholesaler's plant or premises.

(D) Training seminars for employees of retailers or dealers may include tasting or sampling of alcoholic beverages by the employees of retailers or dealers. The tasting or sampling of an alcoholic beverage product is limited to one (1) ounce per employee of each alcoholic beverage product offered. The alcoholic beverage to be tasted or sampled may be provided by the primary source of supply or wholesaler or may be purchased from the retailer or dealer for no more than the listed retail price. The tasting or sampling may be conducted only at a permit premises where the consumption of alcoholic beverages is permitted. Any tasting or sampling provided by a primary source of supply or wholesaler must be offered or conducted on a nondiscriminatory basis.

(E) Reasonable hospitality, such as food and alcoholic beverages, may be offered as a part of an educational seminar.

(3) Advertising specialties and consumer advertising specialties, even if not otherwise permitted by a rule of the commission, if a wholesaler or primary source of supply does not:

(A) add the name or address of the retailer or dealer to the advertising specialty or consumer advertising specialty; or

(B) pay or credit the retailer or dealer, directly or indirectly, for distribution services.

*As added by P.L.270-2017, SEC.5.*

**IC 7.1-1-3-33 "Public nuisance"**

Sec. 33. The term "public nuisance" means an act, practice, place, or thing prohibited by IC 7.1-2-6.

[Pre-1973 Recodification Citation: 7-1-1-37.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.90.*

**IC 7.1-1-3-34 "Quart"**

Sec. 34. Quart. The term "quart" means a liquid measure equal to one-fourth (1/4) of a gallon.

[Pre-1973 Recodification Citation: 7-1-1-41(e).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-35 "Rectifier"**

Sec. 35. Rectifier. The term "rectifier" means a person who colors, flavors, or otherwise processes already existing alcoholic beverages by distillation, blending, percolating, or other process.

[Pre-1973 Recodification Citation: 7-1-1-3(m).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-36 "Rectify"**

Sec. 36. Rectify. The term "rectify" means and includes the processes used by a rectifier in the rectification of alcoholic beverages.

[Pre-1973 Recodification Citation: 7-1-1-3(m).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-37 "Residence"**

Sec. 37. Residence. The term "residence" means:

(a) The premises in which a person resides and includes the aggregation of the rooms inhabited by him, including the cellar and basement under them; and,

(b) Also means a room equipped for sleeping or a suite located in a hotel when actually occupied by a traveler, or by a person as his bona fide residence.

[Pre-1973 Recodification Citation: 7-1-1-3(i).]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-38 "Residential district"**

Sec. 38. Residential District. The term "residential district" means an area composed of all territory within a radius of five hundred (500) feet of the premises described in the application for a permit being considered and in which area seventy-five percent (75%) or more of the territory in use is used for residential purposes as opposed to commercial, business or manufacturing purposes. Territory in use in the area does not include territory which consists in or is devoted to a street, alley, vacant lot, park, parkway, church, school, religious institution, other not-for-profit institution, lake, river, or other body of water.

[Pre-1973 Recodification Citation: 7-2-1-15.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-39 "Resort hotel"**

Sec. 39. The term "resort hotel" means an establishment which meets the requirements provided in IC 7.1-3-20-21.

[Pre-1973 Recodification Citation: 7-1-1-3(n).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.91.*

**IC 7.1-1-3-40 "Restaurant"**

Sec. 40. The term "restaurant" means an establishment which meets the requirements provided in IC 7.1-3-20-9.

[Pre-1973 Recodification Citation: 7-1-1-3(j).]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.92.*

**IC 7.1-1-3-41 "Salesman"**

Sec. 41. Salesman. The term "salesman" means:

(a) A person who procures, or seeks to procure an order or contract for the sale, or for the delivery, or for the transportation of alcoholic beverages; and,

(b) Also means a person who is engaged in promoting the sale of alcoholic beverages, or in promoting the business of a person engaged in the alcoholic beverage trade in any manner, whether the seller resides within this state and sells to buyers either within or without this state, or whether the seller resides without this state and sells for delivery to buyers within

this state.

[Pre-1973 Recodification Citation: 7-2-1-11.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-42 "Service bar"**

Sec. 42. Service Bar. The term "service bar" means a counter over which alcoholic beverages are served and which is used only by the employees of the establishment in which it is located in the course of their employment.

[Pre-1973 Recodification Citation: 7-1-6-1.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-43 "Setup"**

Sec. 43. Setup. The term "setup" means a glass, container, ice, water or mixer, served to a patron for the purpose of being used or consumed with an alcoholic beverage brought upon the licensed premises by the patron.

[Pre-1973 Recodification Citation: 7-2-1-10.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-44 "Farm winery"**

Sec. 44. The term "farm winery" means a commercial winemaking establishment that produces wine and meets the requirements of IC 7.1-3-12-4.

[Pre-1973 Recodification Citation: 7-1-1-22.5.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.201-1999, SEC.1; P.L.165-2006, SEC.1.*

**IC 7.1-1-3-45 "Special disqualifications"**

Sec. 45. The term "special disqualifications" means those impediments provided in IC 7.1-3-4-2, which prevent the issuance of certain permits to a person who possesses one (1) of them.

[Pre-1973 Recodification Citation: 7-1-1-11.]

*Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.93.*

**IC 7.1-1-3-46 "Table wine"**

Sec. 46. Table Wine. The term "table wine" means wine that is produced without rectification or fortification and whose alcoholic content does not exceed fourteen percent (14%).

[Pre-1973 Recodification Citation: 7-1-1-22.5.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-47 "Three-way permit"**

Sec. 47. Three-Way Permit. The term "three-way permit" means the combination of a beer retailer's permit, a liquor retailer's permit, and a wine retailer's permit issued to a permittee.

[Pre-1973 Recodification Citation: 7-3-4-2.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-47.5 "Tobacco product"**

Sec. 47.5. (a) "Tobacco product", except as provided in subsection (b), has the meaning set forth in IC 7.1-6-1-3.

(b) "Tobacco product", for purposes of IC 7.1-3-18.5, means a product that:

- (1) contains tobacco, including e-liquid (as defined by IC 7.1-7-2-10) that contains nicotine; and
- (2) is intended for human consumption.



*As added by P.L.250-2003, SEC.4. Amended by P.L.176-2015, SEC.8; P.L.60-2016, SEC.2.*

**IC 7.1-1-3-48 "Two-way permit"**

Sec. 48. Two-Way Permit. The term "two-way permit" means the combination of a beer retailer's permit and a wine retailer's permit issued to a permittee.

[Pre-1973 Recodification Citation: 7-3-4-2.]

*Formerly: Acts 1973, P.L.55, SEC.1.*

**IC 7.1-1-3-49 "Wine"**

Sec. 49. The term "wine" means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruit, fruit juice, or other agricultural products containing sugar, including necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, and also the alcoholic fortification of the beverage. The term includes hard cider, except for alcoholic beverage tax purposes. The term does not mean an alcoholic beverage that contains twenty-one percent (21%), or more, of absolute alcohol reckoned by volume.

[Pre-1973 Recodification Citation: 7-1-1-3(p).]

*Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.3. As amended by P.L.119-1998, SEC.22.*

**IC 7.1-1-3-50 "Wood alcohol"**

Sec. 50. Wood Alcohol. The term "wood alcohol" means the compound CH<sub>3</sub>OH, also known as methanol, from whatever source or by whatever process produced. The term also means wood alcohol that has been redistilled and which is likely or intended to be used as a beverage.

[Pre-1973 Recodification Citation: 7-1-1-32(1).]

*Formerly: Acts 1973, P.L.55, SEC.1.*