IC 7.1

TITLE 7.1. ALCOHOL AND TOBACCO

IC 7.1-1

ARTICLE 1. GENERAL PROVISIONS

IC 7.1-1-1

Chapter 1. General Purposes of Title

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.

(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Repealed

(Repealed by P.L.1-1992, SEC.26.)

IC 7.1-1-2

Chapter 2. Construction and Scope of Title

IC 7.1-1-2-0.1
Repealed

(Repealed by P.L.63-2012, SEC.7.)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.

(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.

(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 judgings.

(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.

(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.

(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.

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

IC 7.1-1-2-6
Repealed

(Repealed by P.L.1-1988, SEC.10.)

IC 7.1-1-2-13
Repealed

(Repealed by P.L.1-1999, SEC.18.)

IC 7.1-1-3

Chapter 3. Definitions of General Applicability

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.

(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.

(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.

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

IC 7.1-1-3-4

Alcohol

Sec. 4. Alcohol. The term "alcohol" means the compound C2H5OH, known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(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.

(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. "Applicant", for purposes of IC 7.1-3-18.5, means a person who applies for a tobacco sales certificate.
As added by P.L.94-2008, SEC.2.

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.
(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.
(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.
(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. Chairman. The term "chairman" means the presiding officer of the commission who is appointed by the governor pursuant to IC 1971, 7.1-2-1-5.
(Formerly: Acts 1973, P.L.55, SEC.1.)

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. Club. The term "club" means an association or corporation which meets the requirements provided in IC 1971, 7.1-3-20-1.

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

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.

(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.

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

IC 7.1-1-3-13

Container

Sec. 13. Container. The term "container" means a receptacle in which an alcoholic beverage is immediately contained and with which the alcoholic beverage contained in it is in immediate contact.

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

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) an alcohol related or drug related crime under Acts 1939, c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1, 1983), IC 9-11-2 (repealed July 1, 1991), or IC 14-1-5 (repealed July 1, 1995); or

(B) a crime under IC 9-30-5-1 through IC 9-30-5-9,

IC 35-46-9, 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.

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.

(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. Department. The term "department" means the Indiana Department of State Revenue.

(Formerly: Acts 1973, P.L.56, SEC.1.)

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.

(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.

IC 7.1-1-3-16
Enforcement officer

Sec. 16. Enforcement Officer. The term "enforcement officer" means a person employed by the commission to perform duties pursuant to IC 1971, 7.1-2.

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

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. Fraternal Club. The term "fraternal club" means an association or corporation which meets the requirements provided in IC 1971, 7.1-3.

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

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.

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

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.

(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.

(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.

(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. Local Board. The term "local board" means a local alcoholic beverage board of a county created pursuant to the provisions of IC 1971, 7.1-2-4.

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

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.

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

IC 7.1-1-3-24

Member of a club

Sec. 24. Member of a Club. The term "member of a club" means a person who meets the requirements provided in IC 1971, 7.1-3-20-6.

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

IC 7.1-1-3-25

Minor

Sec. 25. Minor. The term "minor" means a person less than twenty-one (21) years of age.

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

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.

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

IC 7.1-1-3-26.3 Version a
Motor vehicle

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

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

(b) The term does not include a motorized bicycle (as defined in IC 9-13-2-109).

As added by P.L.106-1995, SEC.1.

IC 7.1-1-3-26.3 Version b
Motor vehicle

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

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.

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

IC 7.1-1-3-28
Package liquor store

Sec. 28. Package Liquor Store. The term "package liquor store" means a place or establishment that meets the requirements provided in IC 1971, 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.

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

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. Permit. The term "permit" 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.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-1-3-30
Permittee

Sec. 30. Permittee. The term "permittee" means:

(a) A person who is the holder of a valid permit under this title; and,

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

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.
(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.
(Formerly: Acts 1973, P.L.55, 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 7.1-1-3-33
Public nuisance

Sec. 33. Public Nuisance. The term "public nuisance" means an act, practice, place, or thing prohibited by IC 1971, 7.1-2-6.

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

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.

(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.

(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.

(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.

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

IC 7.1-1-3-39
Resort hotel
Sec. 39. Resort Hotel. The term "resort hotel" means an establishment which meets the requirements provided in IC 1971, 7.1-3-20-21.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-1-3-40
Restaurant
Sec. 40. Restaurant. The term "restaurant" means an establishment which meets the requirements provided in IC 1971, 7.1-3-20-9.
(Formerly: Acts 1973, P.L.55, SEC.1.)

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.
(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.
(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.
(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.
(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. Special Disqualifications. The term "special disqualifications" means those impediments provided in IC 1971, 7.1-3-4-2, which prevent the issuance of certain permits to a person who possesses one (1) of them.
(Formerly: Acts 1973, P.L.55, SEC.1.)

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

IC 7.1-1-3-47.5
Tobacco product
Sec. 47.5. "Tobacco product" has the meaning set forth in IC 7.1-6-1-3.
As added by P.L.250-2003, SEC.4.

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.
(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.
(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 CH3OH, 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.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2

ARTICLE 2. ALCOHOL AND TOBACCO COMMISSION AND ADMINISTRATION

IC 7.1-2-1

Chapter 1. General Provisions

IC 7.1-2-1-0.3

Treatment of references to prior commission names; transfer of property and obligations; treatment of actions of prior commissions

Sec. 0.3. (a) After June 30, 2001, a reference in any law, rule, contract, or other document or record to the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana shall be treated as a reference to the alcohol and tobacco commission.

(b) On July 1, 2001, the property and obligations of the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana are transferred to the alcohol and tobacco commission.

(c) An action taken by the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana before July 1, 2001, shall be treated after June 30, 2001, as if it were originally taken by the alcohol and tobacco commission.

As added by P.L.220-2011, SEC.170.

IC 7.1-2-1-1

Commission created

Sec. 1. There is hereby created as a part of state government, a commission to be known as the alcohol and tobacco commission.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.18.

IC 7.1-2-1-2

Composition

Sec. 2. Composition. The commission shall be composed of four (4) members who are not officials of the state in any other capacity and who are qualified for their positions in accordance with the provisions of IC 1971, 7.1-2-1-4.

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

IC 7.1-2-1-3

Appointments and terms

Sec. 3. Appointments and Terms. Members of the commission shall be appointed by the governor and a commissioner shall be eligible for reappointment. No more than two (2) commissioners shall belong to the same political party. A commissioner shall be appointed for a term of four (4) years, but shall serve that term at the pleasure of the governor.

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

IC 7.1-2-1-4
Qualifications of commissioners

Sec. 4. Qualifications of Commissioners. To be eligible for appointment as a commissioner, a person shall possess the following qualifications:

(a) He shall be thirty-one (31) years of age or older;

(b) He shall have a good moral character; and,

(c) He shall have been a resident of the state for at least ten (10) years immediately preceding his appointment.

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

IC 7.1-2-1-5
Chairman and chairman pro tempore

Sec. 5. Chairman and Chairman Pro Tempore. The governor shall appoint one (1) of the members to serve as chairman of the commission. The governor also shall appoint one (1) of the members to serve as chairman pro tempore in the absence of the chairman.

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

IC 7.1-2-1-6
Vacancies

Sec. 6. Vacancies. A member appointed to fill a vacancy in the membership of the commission shall serve only for the unexpired portion of the original, vacated term. In all other respects, an appointment to fill a vacancy shall be made in the same manner that an original appointment is made.

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

IC 7.1-2-1-7
Compensation

Sec. 7. Compensation. As compensation for services, each commissioner shall receive an annual salary to be fixed in the same manner that the salaries of other state officials are fixed. In addition to the annual salary, a commissioner shall be reimbursed for traveling and other expenses necessarily incurred while away from his office carrying out his duties as a member of the commission.

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

IC 7.1-2-1-8
Bond and oath of office

Sec. 8. Bond and Oath of Office. Each commissioner shall execute a surety bond in the amount of ten thousand dollars ($10,000), with surety approved by the governor, and an oath of office, both of which shall be filed in the office of the secretary of state.

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

IC 7.1-2-1-9

Surety bonds

Sec. 9. Surety Bonds. The required surety bond executed and filed on behalf of a commissioner, an enforcement officer, or the prosecutor shall be made payable to the State of Indiana and conditioned upon the faithful discharge of the bonded party's respective duties.

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

IC 7.1-2-1-10

Meetings and adjournments

Sec. 10. Meetings and Adjournments. The commission shall hold regular meetings on the first and third Tuesday of each month. The commission may hold special meetings whenever the commission deems it necessary. The procedure for the calling of a special meeting shall be provided in the rules of the commission. The commission shall have the power to adjourn, from time to time, both regular and special meetings. In no event, however, shall the adjournment be later than the next regular meeting date.

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

IC 7.1-2-1-11

Quorum and voting

Sec. 11. (a) Three (3) members of the commission constitute a quorum for the transaction of business.

(b) Each commissioner has one (1) vote.

(c) Action of the commission may be taken only upon the affirmative votes of at least two (2) commissioners. If a vote of the commission is a tie, the position for which the chairman voted shall be treated as the position adopted by the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.19.

IC 7.1-2-1-12

Restriction on solicitation or acceptance of political contributions

Sec. 12. A commissioner may not solicit or accept a political contribution from any person or entity that has a permit or has applied for a permit issued by the commission. However, the right of a commissioner to vote as the commissioner chooses and to express the commissioner's opinions on political subjects and candidates may not be impaired.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.62-1998, SEC.1.

IC 7.1-2-1-13

Limitation of liability

Sec. 13. Limitation of Liability. A member of the commission shall not be personally liable for liability to a person because of the negligence, act, or omission of an enforcement officer.

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

IC 7.1-2-2

Chapter 2. Officers and Employees

IC 7.1-2-2-1

Office of prosecutor created

Sec. 1. Office of Prosecutor Created. There is hereby created within the commission a division to be known as the "Office of the Prosecutor."

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

IC 7.1-2-2-2

Qualifications and appointment

Sec. 2. The prosecutor shall be appointed by the governor for a term of four (4) years to be served at the pleasure of the governor. The prosecutor shall be a resident of the state and a practicing member of the Indiana bar.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.224-2005, SEC.1.

IC 7.1-2-2-3

Bond and oath of office

Sec. 3. Bond and Oath of Office. The prosecutor shall execute a surety bond in the amount of five thousand dollars ($5,000), with surety approved by the governor, and an oath of office, both of which shall be filed in the office of the secretary of state.

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

IC 7.1-2-2-4

Compensation

Sec. 4. Compensation. As compensation for services, the prosecutor shall receive an annual salary to be fixed in the same manner that the salaries of other state officials are fixed. In addition to the annual salary, the prosecutor shall be reimbursed for traveling and other expenses necessarily incurred while away from his office carrying out his duties as prosecutor.

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

IC 7.1-2-2-5

Prosecutor; powers and duties

Sec. 5. Prosecutor: Powers and Duties. The prosecutor shall have the following powers and duties:

(a) To prosecute before the commission all violations of laws pertaining to alcohol, alcoholic beverages, and tobacco, including violations pertaining to tobacco vending machines;

(b) To prosecute before the commission all violations of the rules and regulations of the commission;

(c) To assist the prosecuting attorneys of the various judicial circuits in the investigation and prosecution of violations of laws pertaining to alcohol, alcoholic beverages, and tobacco, including violations pertaining to tobacco vending machines, and to represent

the state in these matters;

(d) To appear before grand juries to assist in their investigations into matters pertaining to alcohol, alcoholic beverages, and tobacco, including matters pertaining to tobacco vending machines;

(e) To establish a seal of his office;

(f) To administer oaths and to do all other acts authorized by law for notaries public; and,

(g) To employ, with the consent of the commission and at salaries fixed by the commission in their budget, the clerical staff required by him to effectively discharge his duties.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.250-2003, SEC.6.

IC 7.1-2-2-6

Office space and expenses

Sec. 6. Office Space and Expenses. The commission shall provide the prosecutor with appropriate office space and all necessary office supplies and services. All claims for salaries and necessary expenses of the office of the prosecutor shall be allowed and approved by the commission and shall be paid from the enforcement and administration fund of the commission.

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

IC 7.1-2-2-7

Executive secretary

Sec. 7. Executive Secretary. The commission, with the consent of the governor, shall employ an executive secretary to aid the commission in the efficient administration of its powers and duties.

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

IC 7.1-2-2-8

Enforcement officer; appointments

Sec. 8. (a) The commission may employ qualified individuals to serve as enforcement officers of the commission.

(b) The superintendent of the enforcement officers must have had at least ten (10) years experience as an active law enforcement officer, at least five (5) years of which must have been in a management capacity.

(c) The commission shall issue to an enforcement officer a certificate of employment under the seal of the commission. The courts of this state shall take judicial notice of a certificate of employment.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.20; P.L.94-2008, SEC.4.

IC 7.1-2-2-9

Enforcement officer; powers and duties

Sec. 9. (a) An enforcement officer is vested with full police powers and duties to enforce:

(1) the provisions of this title;

(2) any other law of this state relating to alcohol or alcoholic beverages; and

(3) tobacco laws, including tobacco vending machines.

(b) An enforcement officer may issue a summons for infraction or misdemeanor violations if the defendant promises to appear by signing the summons. A defendant who fails to appear is subject to the penalties provided by IC 35-44.1-2-10. Upon failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the authority of an enforcement officer under subsection (a), an enforcement officer may act as an officer for the arrest of offenders against the laws of this state if the enforcement officer reasonably believes that a crime is or is about to be committed or attempted in the enforcement officer's presence.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1979, P.L.83, SEC.1; P.L.84-1985, SEC.1; P.L.256-1996, SEC.1; P.L.177-1999, SEC.4; P.L.126-2012, SEC.28.

IC 7.1-2-2-9.5

Investigation of fraud within electronic benefits transfer program

Sec. 9.5. The state excise police may investigate fraud within the electronic benefits transfer program, as set forth in IC 12-13-14-14.

As added by P.L.197-2013, SEC.3.

IC 7.1-2-2-10

Enforcement officer; bond and oath of office

Sec. 10. Enforcement Officers: Bond and Oath of Office. Each enforcement officer shall execute a surety bond in the amount of one thousand dollars ($1,000), with surety approved by the commission, and an oath of office, both of which shall be filed with the executive secretary of the commission.

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

IC 7.1-2-2-11

Enforcement officer; worker's compensation and occupational disease

Sec. 11. (a) The injury to, the injury to the health of, or the death of, an enforcement officer shall be compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury, injury to the health, or death, arises out of, and in the course of, the performance of the officer's duties as an enforcement officer.

(b) For the purposes of subsection (a), and of IC 22-3-2 through IC 22-3-7, an enforcement officer shall be conclusively presumed to have accepted the compensation provisions provided in them.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.28-1988, SEC.3.

IC 7.1-2-2-11.5

Retired law enforcement officer; retention of service weapon; badge and identification card

Sec. 11.5. An eligible enforcement officer who retires with at least

twenty (20) years of service as an enforcement officer may retain the officer's service weapon. The officer is entitled to receive, in recognition of the officer's service to the commission and to the public, a badge that indicates that the officer is retired. The commission shall issue the officer who is retiring an identification card stating the officer's name and rank, signifying that the officer is retired, and noting the officer's authority to retain the service weapon.
As added by P.L.1-1992, SEC.27.

IC 7.1-2-2-12
Employees; discharge of non-probationary enforcement officer

Sec. 12. (a) The commission shall have the power to employ and remove at will all necessary clerks, stenographers, bookkeepers, auditors, accountants, assistants of any nature, and other employees, and to fix their duties, authorities, and, with proper approval, their compensation.

(b) The superintendent of the enforcement officers may discharge a non-probationary enforcement officer for just cause. The commission shall adopt rules to establish a procedure for the adjudication of the propriety of the discharge of a non-probationary enforcement officer.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.347-1995, SEC.1.

IC 7.1-2-2-13
Enforcement officers; salaries

Sec. 13. (a) The alcohol and tobacco commission shall categorize salaries of enforcement officers within each rank based upon the rank held and the number of years of service in the commission through the twentieth year. The salary ranges that the board assigns to each rank shall be divided into a base salary and twenty (20) increments above the base salary with:

(1) the base salary in the rank paid to a person with less than one (1) year of service in the commission; and

(2) the highest salary in the rank paid to a person with at least twenty (20) years of service in the commission.

(b) The salary matrix prescribed by this section shall be reviewed and approved by the budget agency before implementation.

(c) The salary matrix prescribed by this section must have parity with the salary matrix prescribed by the natural resources commission under IC 14-9-8 for conservation officers of the department of natural resources. The budget agency shall approve a salary matrix that meets the parity requirement of this subsection.
As added by P.L.1-1999, SEC.19. Amended by P.L.204-2001, SEC.21; P.L.234-2007, SEC.305.

IC 7.1-2-3

Chapter 3. Powers and Duties

IC 7.1-2-3-1

Duties of chairman

Sec. 1. Duties of Chairman. The chairman shall be the presiding officer at the meetings of the commission. The chairman, together with the executive secretary, shall prepare, certify and authenticate all proceedings, minutes, records, rules and regulations of the commission. The chairman also shall perform all other duties as imposed by this title.

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

IC 7.1-2-3-2

Power to organize

Sec. 2. Power to Organize. The commission shall have the power to organize its work and carry on the functions of the commission and to enforce and administer the provisions of this title and the rules and regulations of the commission.

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

IC 7.1-2-3-3

Forms

Sec. 3. Forms. The commission, in accordance with IC 5-15-5.1, shall have the power to prescribe the forms for all applications, permits, licenses, and other documents and records used in the administration of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1979, P.L.40, SEC.18.

IC 7.1-2-3-4

General powers of commission

Sec. 4. General Powers of Commission. The commission shall have the power:

(a) to hold hearings before the commission or its representative;

(b) to take testimony and receive evidence;

(c) to conduct inquiries with or without hearings;

(d) to receive reports of investigators or other governmental officers and employees;

(e) to administer oaths;

(f) to subpoena witnesses and to compel them to appear and testify;

(g) to issue and enforce subpoenas duces tecum;

(h) to take or institute proceedings to enforce subpoenas, the rules and regulations, orders, or requirements of the commission or its representative;

(i) to fix the compensation paid to witnesses appearing before the commission;

(j) to establish and use a seal of the commission;

(k) to certify copies of records of the commission or any other

document or record on file with the commission;

(l) to fix the form, mode, manner, time, and number of times for the posting or publication of any required notices if not otherwise provided in this title;

(m) to issue letters of extension as authorized by IC 7.1-3-1-3.1; and

(n) to hold permits on deposit as authorized by IC 7.1-3-1-3.5.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.2.

IC 7.1-2-3-4.5
Limitations upon commission powers

Sec. 4.5. The commission and the chairman may exercise only those express powers enumerated in this title; however, this section does not limit the powers granted to the commission by section 31 of this chapter.

As added by Acts 1982, P.L.69, SEC.3.

IC 7.1-2-3-5
Enforcement of subpoena

Sec. 5. Enforcement of Subpoena. The commission shall have the authority to petition the circuit or superior court of the county in which the hearing or investigation is being held to compel obedience to the lawful requirements of its subpoena under this title.

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

IC 7.1-2-3-6
Rule making

Sec. 6. Rule Making. The rules and regulations of the commission shall be made, promulgated, filed and published pursuant to the provisions of IC 1971, 4-22-2, as amended.

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

IC 7.1-2-3-7
Rules and regulations

Sec. 7. Rules and Regulations. The commission shall have the power to promulgate rules and regulations governing:

(a) The conduct of the meetings and business of the commission;

(b) The conduct of hearings before any of the commission's representatives;

(c) The conduct of the business of a permittee authorized or governed by the provisions of this title;

(d) The enforcement of the provisions of this title and of the rules and regulations of the commission;

(e) The standards of purity and methods of manufacturing used in the production of alcohol and alcoholic beverages;

(f) The prevention of misbranding or adulteration of alcohol or alcoholic beverages; and,

(g) The prevention of fraud, evasion, trickery, or deceit in the manufacture, labeling, importation, advertisement, transportation, or

sale of alcohol or alcoholic beverages, or the evasion of other laws of Indiana relating to alcohol or alcoholic beverages.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-8
Conformance to United States law

Sec. 8. Conformance to United States Law. The commission shall have the power to conform, to adapt, or to coordinate, to the extent the commission deems proper, the practices, methods, standards, and rules and regulations governing the traffic in alcohol and alcoholic beverages, with the practices, methods, standards and rules and regulations established by an officer or agency of the United States government.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-9
Permits

Sec. 9. Permits. The commission shall have the discretionary authority to issue, deny, suspend, revoke, or not renew all permits authorized by this title, unless the exercise of discretion or authority is limited by applicable provisions of this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-9.1
Registry of permits

Sec. 9.1. (a) The commission shall prepare and maintain, available for public inspection, a registry of all retailer and dealer permits (including supplemental permits) issued by it, categorized by type of permit and by the type of establishment to which it is issued. The registry of permits shall:

(1) be subdivided on a county by county basis, and further subdivided by city, town, and unincorporated area;
(2) contain the number of permits authorized by the quota, and the number of permits currently issued;
(3) contain the name of the owner of the permit, the address of the licensed premises, the assumed business name under which the business is conducted, and, if a corporation, the names of the president and secretary; and
(4) be made current annually, to indicate by specific notation any new permits that were issued or any existing permits that were transferred in any manner within the prior year.

(b) The commission shall distribute one (1) complete copy of the registry of permits for that particular county to each county clerk, at no cost to the county clerk, each time the registry is made current. The county clerk shall immediately notify the county treasurer that the registry has been received and make the registry available for copying by the county treasurer. Each county clerk shall maintain a copy of the registry of permits available for public inspection in the county clerk's office during normal business hours.

(c) The commission shall provide for the sale of the registry of

permits to the public on a cost basis, both as a complete statewide registry and as a countywide registry.
As added by Acts 1982, P.L.69, SEC.4. Amended by P.L.85-1985, SEC.1; P.L.106-1995, SEC.3.

IC 7.1-2-3-10
Investigations; memorandum of understanding

Sec. 10. (a) The commission shall have the power to investigate the violation of a provision of this title and of the rules and regulations of the commission and to report its findings to the prosecuting attorney or the grand jury of the county in which the violation occurred, or to the attorney general.

(b) The commission shall enter a memorandum of understanding with the Indiana gaming commission authorizing the commission's unlawful gaming enforcement division to conduct revocation actions resulting from suspected violations of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 as authorized by the following statutes:

(1) IC 7.1-3-18.5.
(2) IC 7.1-3-23-2(b).
(3) IC 7.1-3-23-5.

(c) A memorandum of understanding entered into under this section must comply with the requirements of IC 4-33-19-8.

(d) The memorandum of understanding required by this section must be entered into before January 1, 2008.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.227-2007, SEC.60; P.L.94-2008, SEC.5.

IC 7.1-2-3-11
Emergencies

Sec. 11. Emergencies. The commission shall have the power to prohibit the sale, transportation or movement of alcoholic beverages when, in the judgment of the commission, it is necessary during a time of public emergency, civil disturbance, riot, or epidemic. The prohibition may be imposed without prior notice or advertisement and may be continued in force as long as the need continues.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-12
Searches and seizures

Sec. 12. Searches and Seizures. (a) The commission shall have the power to examine, inspect and search a licensed premises or a vehicle where alcohol, alcoholic beverages, or malt articles are kept, manufactured or sold.

(b) The commission shall have the power to seize alcohol, alcoholic beverages, malt articles, or any other personal property when the seizure is lawful under the provisions of this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-13
Prevention of subterfuge

Sec. 13. Prevention of Subterfuge. The commission shall have the power to prevent a part of the premises connected with, or in any way used in connection with, a licensed premises from being used as a subterfuge or means of evading the provisions of this title or of the rules and regulations of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-14
Standards of sanitation

Sec. 14. The commission shall have the power to set standards of cleanliness and sanitation for a licensed premises and for the apparatus, equipment, utensils, accessories, articles, and fixtures used or employed in the licensed premises. The commission shall have the power to require the aid of the state department of health, any local board of health, and any health officer in this state to fix and enforce these standards.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.2-1992, SEC.74.

IC 7.1-2-3-15
Destruction of personal property

Sec. 15. Destruction of Personal Property. The commission shall have the power to require the destruction or removal of bottles, whether empty or not, cases, containers, apparatus, or devices, used or likely to be used, in evading, violating, or preventing the enforcement of the provisions of this title or of the rules and regulations of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-16
Regulation of advertising

Sec. 16. (a) The commission shall have the power to regulate and prohibit advertising, signs, displays, posters, and designs intended to advertise an alcoholic beverage or the place where alcoholic beverages are sold.

(b) The commission shall not exercise the prohibition power contained in subsection (a), as to any advertisement appearing in a newspaper which:

(1) is published at least once a week;

(2) regularly publishes information of current news interest to the community; and

(3) circulates generally to the public in any part of this state, regardless of where printed.

However, a newspaper shall not include publications devoted to special interests such as labor, religious, fraternal, society, or trade publications or journals, or publications owned or issued by political organizations or parties.

(c) The commission shall not exercise the prohibition power contained in subsection (a) as to any advertisement broadcast over duly licensed radio and television stations.

(d) All advertisements relating to alcoholic beverages, whether published in a newspaper or broadcast over radio or television, shall conform to the rules and regulations of the commission.

(e) The commission shall not exercise the prohibition power contained in subsection (a) as to advertising in the official program of the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane Race.

(f) Notwithstanding any other law, the commission may not prohibit the use of an illuminated sign advertising alcoholic beverages by brand name that is displayed within the interior or on the exterior of the premises covered by the permit, regardless of whether the sign is illuminated constantly or intermittently. However, it is unlawful for a primary source of supply or a wholesaler of alcoholic beverages to sell, give, supply, furnish, or grant to, or maintain for a retail or dealer permittee an illuminated advertising sign in a manner that violates the trade practice restrictions of the commission or this title. It is unlawful for a retail or dealer permittee to receive, accept, display, or permit to be displayed, an illuminated advertising sign sold, given, supplied, furnished, granted, or maintained in violation of this subsection. Unless otherwise stated, when a recipient receives an illuminated sign, the illuminated sign becomes the property and responsibility of the recipient.

(g) The commission may not prohibit the advertisement of:

(1) alcoholic beverages; or

(2) a place where alcoholic beverages may be obtained;

in a program, scorecard, handbill, throw-away newspaper, or menu; however, those advertisements must conform to the rules of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.57, SEC.1; Acts 1975, P.L.70, SEC.1.) As amended by P.L.98-1983, SEC.1; P.L.57-1984, SEC.2; P.L.165-2006, SEC.2.

IC 7.1-2-3-16.5
"Facility"

Sec. 16.5. (a) As used in this section, "facility" includes the following:

(1) A facility to which IC 7.1-3-1-25(a) applies.

(2) A tract that contains a premises that is described in IC 7.1-3-1-14(c)(2).

(3) A horse track or satellite facility to which IC 7.1-3-17.7 applies.

(4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.

(5) A tract that contains an entertainment complex.

(b) As used in this section, "tract" has the meaning set forth in IC 6-1.1-1-22.5.

(c) A facility may advertise alcoholic beverages:

(1) in the facility's interior; or

(2) on the facility's exterior.

(d) The commission may not exercise the prohibition power

contained in section 16(a) of this chapter on advertising by a brewer, distiller, rectifier, or vintner in or on a facility.

(e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may provide advertising to a permittee that is a brewer, an artisan distiller, a distiller, a rectifier, or a vintner in exchange for compensation from that permittee.

As added by P.L.52-1992, SEC.2. Amended by P.L.106-1995, SEC.2; P.L.71-1996, SEC.2; P.L.72-2004, SEC.3; P.L.15-2011, SEC.10; P.L.109-2013, SEC.2.

IC 7.1-2-3-17
Registration requirements

Sec. 17. Registration Requirements. The commission shall have the power to require the registration of all brands, formulas, analyses, labels, and trademarks used, or proposed to be used, in selling or advertising alcoholic beverages. The commission shall not have the power to require the disclosure of formulas that are verified trade secrets.

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

IC 7.1-2-3-18
Regulation of transportation and containers

Sec. 18. Regulation of Transportation and Containers. The commission shall have the power to regulate the modes and methods of dealing in, and the transportation of, alcoholic beverages. The commission also shall have the power to regulate the types of containers in which alcoholic beverages may be lawfully transported and delivered.

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

IC 7.1-2-3-19
Regulation of records

Sec. 19. Regulation of Records. The commission shall have the power to:

(a) Prescribe the manner and methods by which all records relating to alcoholic beverages are kept and preserved;

(b) Inspect all records relating to alcoholic beverages; and,

(c) Require true copies of any record to be made and furnished to the commission.

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

IC 7.1-2-3-20
Regulation of sales

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).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.1-2010, SEC.38.

IC 7.1-2-3-21
Regulation of local boards

Sec. 21. Regulation of Local Boards. The commission shall have the power to prescribe the procedure to be observed by local alcoholic beverage boards and for investigations before these boards.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-22
Regulation of business relationships

Sec. 22. Regulation of Business Relationships. The commission shall have the power to ascertain the business relationships, including non-alcoholic beverage business relationships, between permittees under this title. The commission shall have the power to regulate or prohibit a practice, relationship, or dealing by or between permittees, which in the judgment of the commission is inimical to or a violation of a provision of this title or of a rule or regulation of the commission. The commission may take action in these matters by rule or regulation or by individual order upon hearing after five (5) days notice to the effected permittee.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-23
Repealed

(Repealed by Acts 1973, P.L.58, SEC.2.)

IC 7.1-2-3-24
Disclosures concerning transportation

Sec. 24. Disclosures Re Transportation. The commission may require that, prior to the importation or transportation of an alcoholic beverage into this state by an authorized permittee, he shall submit written, verified, information concerning the proposed importation or transportation and execute and file any documents required. The commission shall have the power also to inspect the shipments in transit and the vehicle used in the importation or transportation.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-25
Military bases

Sec. 25. Military Bases. The commission may authorize the sale of an alcoholic beverage to an officer, or other person legally entitled to purchase it, and the delivery of it to that person on a military reservation or other reservation within this state which is under the authority of the United States government and if the sale and delivery is otherwise lawful.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-26
Duty concerning franchise agreements

Sec. 26. Duty Re Franchise Agreements. The commission shall investigate a violation of a provision of IC 1971, 7.1-3-3-17 and

7.1-5-5-9, and shall have the power to enforce conformance with a provision of an injunction issued under the authority of these sections.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-27
Repealed
(Repealed by P.L.159-2014, SEC.2.)

IC 7.1-2-3-28
Repealed
(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 7.1-2-3-29
Delegation of powers and duties
Sec. 29. Delegation of Powers and Duties. The commission, unless otherwise specifically provided, may delegate the powers and duties conferred on it in this title to responsible employees of the commission, but the commission shall maintain final responsibility.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-30
Limitation of liability
Sec. 30. Limitation of Liability. The members of the commission, their officers and employees shall be exempt from civil liability for an act or omission done under the authority, or the color of authority, conferred by this title or by a rule, regulation, or order of the commission. However, they shall be liable to the State of Indiana for their acts and omissions.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-31
Implied powers
Sec. 31. Implied Powers. The commission and the chairman shall have, in addition to the express powers enumerated in this title, the authority to exercise all powers necessary and proper to carry out the policies of this title and to promote efficient administration by the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-3-32
Group purchasing agreements; rules
Sec. 32. (a) The commission, by rule, may provide procedures whereby two (2) or more retailers and dealers may enter into a formal group purchasing agreement for the purpose of purchasing alcoholic beverages from permittees authorized to sell alcoholic beverages to them.
(b) If the commission exercises the power granted in subsection (a), the rule shall make provisions for at least the following:
(1) the formal requirements of a group purchasing agreement;

(2) the vesting of title to the alcoholic beverages purchased under a group purchasing agreement;
(3) the transportation by retailers and dealers of the alcoholic beverages purchased under a group purchasing agreement;
(4) the purchase and transportation of alcoholic beverages by retailers and dealers, whether they are parties to a group purchasing agreement or not, as a result of a service interruption or other emergency; and
(5) the filing requirements of a group purchasing agreement or any amendments or additions thereto.

As added by P.L.85-1985, SEC.2.

IC 7.1-2-3-33
Investigations and penalties for violations of statutes relating to tobacco

Sec. 33. The commission is authorized to:
(1) investigate a violation of; and
(2) enforce a penalty for a violation of;

IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11.5, or IC 35-46-1-11.7.

As added by P.L.177-1999, SEC.5. Amended by P.L.250-2003, SEC.5.

IC 7.1-2-3-34
Expired

(Expired 7-1-2012 by P.L.186-2011, SEC.1.)

IC 7.1-2-4

Chapter 4. Local Boards

IC 7.1-2-4-1

Local boards created

Sec. 1. Local Boards Created. There is hereby created in each county a local board to be known as the "Alcoholic Beverage Board of _____ County."

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

IC 7.1-2-4-2

Qualifications of appointed members

Sec. 2. Qualifications of Appointed Members. An appointed member of a local board shall possess the following qualifications:

(a) He shall be twenty-one (21) years of age or older;

(b) He shall have been a bona fide resident of the county in which he is to serve for at least five (5) years immediately preceding his appointment;

(c) He shall never have been convicted of a felony under the laws of this state or of the United States; and,

(d) He shall have a good moral character.

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

IC 7.1-2-4-3

Qualifications of designated members

Sec. 3. Qualifications of Designated Members. The designated member of a local board shall be a person of good moral character, a resident of Indiana and familiar with the laws of Indiana concerning alcoholic beverages. The designated member may be an officer or employee of the commission.

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

IC 7.1-2-4-4

Repealed

(Repealed by P.L.204-2001, SEC.68.)

IC 7.1-2-4-5

Composition

Sec. 5. Composition. A local board shall be composed of four (4) members who are qualified for their positions according to this chapter, and who, other than the designated representative of the commission, do not hold other lucrative public office or employment.

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

IC 7.1-2-4-6

Appointments

Sec. 6. Appointments. A local board shall be composed of three (3) appointed members and one (1) designated member. One (1) of the appointed members shall be appointed by the board of county commissioners of the county in which the board is to perform its

duties. One (1) of the appointed members shall be appointed by the county council of the county in which the board is to perform its duties. One (1) of the appointed members shall be appointed by the mayor of the city within the county having the largest population. The designated member of the board shall represent the commission and shall be designated by the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-7
Composition; two-cities exception

Sec. 7. Composition: Two-Cities Exception. In a county in which there are located two (2) or more cities, each having a population of more than ten thousand (10,000), as to all applications for permits which apply to premises within the corporate limits of one (1) of the cities, the local board shall consist of the designated member, the appointed members appointed by the board of county commissioners and the county council, and a member appointed by the mayor of the effected city.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-8
Composition; no city exception

Sec. 8. If there is no city within a county, the executive of the town within the county having the largest population shall make the one (1) appointment to the local board normally made by the executive of the largest city.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.8-1989, SEC.33.

IC 7.1-2-4-9
Order of appointments

Sec. 9. The order of appointments to a local board shall be as follows:

(1) The board of commissioners of a county shall make its appointment first.
(2) The city or town executive, as the case may be, shall make the executive's appointment second.
(3) The county fiscal body shall make its appointment third.
(4) The commission shall designate its representative fourth.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.8-1989, SEC.34; P.L.4-1991, SEC.136.

IC 7.1-2-4-10
Appointments; time limits

Sec. 10. The county executive and fiscal body and the city or town executive, as the case may be, shall make their appointments to the local board within fifteen (15) days after being notified by the commission by registered mail to do so. The commission may extend this time limit by an additional fifteen (15) days.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.8-1989,

SEC.35.

IC 7.1-2-4-11
Ad interim appointments

Sec. 11. Ad Interim Appointments. The commission shall have the power to make an ad interim appointment to a local board if the required appointment is not made within the applicable time limit. An ad interim appointee shall have full power to act as a member of the local board for a period of sixty (60) days and as much longer as is required to complete an investigation or questionnaire begun during his temporary appointment.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-12
Commission appointments

Sec. 12. Commission Appointments. The commission shall have the power to make an appointment to a local board if the required appointment is not made within one hundred (100) days following the mailing of the first notice requesting that the appointment be made.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-13
Terms of office

Sec. 13. Terms of Office. The term of office of an appointed member, other than an ad interim appointee, shall be for one (1) year from the date of his appointment and until his successor is appointed and qualified. The designated representative of the commission shall not have any specific term on any particular local board.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-13.5
Training of members

Sec. 13.5. (a) This section does not apply to a designated member of the local board who is an employee or officer of the commission.

(b) A local board member shall complete a training program conducted by the commission. A local board member may not be required to take a test or an examination or pay a fee in order to complete the training program.

(c) The training program must include training on all the following subjects:

(1) An overview of Indiana alcoholic beverage law and enforcement.

(2) Duties and responsibilities of the board concerning new permit applications, permit transfers, and renewal of existing permits.

(3) The open door law (IC 5-14-1.5) and the public records law (IC 5-14-3).

(4) Notice and hearing requirements.

(5) The process for appeal of an adverse decision of the board.

(6) Any other subject determined by the commission.

(d) A local board member must complete the training program not more than one hundred eighty (180) days after the member is appointed to the board. A local board member who does not complete the training program within the time allowed by this subsection shall be removed from the board under section 21 of this chapter.

As added by P.L.94-2008, SEC.6.

IC 7.1-2-4-14
Local board organization

Sec. 14. Local Board Organization. A local board shall meet and organize immediately following the appointment of its members. The local board shall elect one (1) of its members to serve as president. The president shall preside at the meetings of the board and shall sign the minutes of meetings. The local board also shall elect one (1) of its members to serve as secretary. The secretary shall keep the minutes of meetings and other records, attest the signature of the president and perform other duties assigned to him by the board.

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

IC 7.1-2-4-15
Meetings

Sec. 15. Meetings. Meetings of the local board shall be held in the office of the clerk of the circuit court, or at another place provided by the board of county commissioners. It shall be the duty of a member to attend the meetings of his board and to discharge the duties of his office. Any member of a local board may administer oaths. A meeting of a local board called for the purpose of a public investigation of an application for a permit may be continued from day to day, or adjourned until a later meeting of the local board in the discretion of the designated representative of the commission.

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

IC 7.1-2-4-16
Quorum and voting

Sec. 16. Quorum and Voting. Three (3) members of a local board shall constitute a quorum for the transaction of business. A local board may take action only upon the affirmative votes of at least three (3) of its members.

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

IC 7.1-2-4-17
Compensation

Sec. 17. Compensation. As compensation for services, an appointed member of a local board shall receive an annual salary in the amount of two hundred forty dollars ($240), from the state, paid in twelve (12) equal, monthly installments.

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

IC 7.1-2-4-18
Additional compensation

Sec. 18. Additional Compensation. An appointed member of a local board shall receive, in addition to the annual salary, compensation from the state at the rate of three dollars ($3.00), for each application on which he is required to, and does, investigate and report. The additional compensation shall be paid within sixty (60) days after the required questionnaire has been completed in due form, signed by the member, and delivered to the commission in duplicate.

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

IC 7.1-2-4-19
Mileage

Sec. 19. An appointed member of a local board shall receive mileage at the same rate per mile as is provided for state employees in the state travel policies and procedures established by the department of administration and approved by the state budget agency for each mile, in excess of two (2) miles per day, traveled by him in necessary attendance at the meetings of the local board. The claim for mileage shall be certified by the member and filed with the commission. The claim for mileage shall be paid by the state at the expiration of sixty (60) days after the questionnaire covering an application investigated at the meeting of the local board in respect to which the mileage is claimed has been filled out and signed by the member.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.3.

IC 7.1-2-4-20
Oath of office

Sec. 20. Oath of Office. An appointed member of a local board shall execute an oath of office in duplicate. One (1) copy of the oath shall be filed in the office of the clerk of the circuit court of the judicial circuit in which the local board sits. The other copy shall be filed with the chairman.

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

IC 7.1-2-4-21
Removal from office

Sec. 21. Removal from Office. An appointed member of a local board may be removed from office only for good cause. The commission shall give the member a written copy of the charges against him and shall fix the time, which shall not be less than five (5) days thereafter, when the member may appear before the commission and show cause why he should not be removed. The commission shall establish procedures for the removal of an appointed member of a local board. The findings and determinations of the commission in respect to a removal shall be final.

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

IC 7.1-2-4-22

Oral comments at meetings

Sec. 22. (a) A local board shall allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. However, a local board may set a reasonable limit on the amount of time allowed to each individual to provide oral comment.

(b) A local board may give greater weight to oral comments provided by a person who:

(1) owns or operates a business that is located; or

(2) owns real property or resides;

not more than one thousand (1,000) feet from the location for which a permit is requested.

As added by P.L.94-2008, SEC.7.

IC 7.1-2-5

Chapter 5. Remedies: Searches, Seizures, Property Rights, Evidence, and Judicial Sales

IC 7.1-2-5-1

Issuance of warrant

Sec. 1. A judge of any court may issue a warrant to search a house or other place for alcohol, an alcoholic liquid or substance, a still, a distilling apparatus, a tobacco product, or another article that is being possessed, kept, sold, bartered, given away, used, or transported in violation of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.1-1990, SEC.87; P.L.94-2008, SEC.8.

IC 7.1-2-5-2

Service of warrant

Sec. 2. Service of Warrant. The warrant shall be directed to the officer, agent, or employee of the commission who filed the affidavit for the warrant and otherwise it shall be directed to any officer who has the power to serve criminal process. The warrant shall be served by the person to whom it was issued in the daytime or nighttime and the return made within twenty (20) days from the date of issue.

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

IC 7.1-2-5-3

Seizures

Sec. 3. Seizures. The officer who serves the warrant shall seize any article described in the warrant and any other article that he may find during the search that is used in the violation of a provision of this title and hold them pending the disposition as may be ordered by the court in which a prosecution may be instituted for the violation of a provision of this title.

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

IC 7.1-2-5-4

Disposition of articles pending judgment

Sec. 4. An alcoholic beverage or a tobacco product seized pursuant to this chapter and any other article which may be found on the searched premises and taken under the warrant shall not be taken from the custody of the person who served the warrant by a writ of replevin or other process while the proceedings provided in this chapter are pending. A final judgment of conviction in that proceeding shall be a bar in all cases to an action for recovery of the thing seized or the value of it or damages alleged to have arisen by reason of the seizing and detention of it.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.94-2008, SEC.9.

IC 7.1-2-5-5

Property rights limited

Sec. 5. All rights of any kind in an alcoholic beverage or a tobacco product of any type, or in a container for an alcoholic beverage, or in an article, apparatus, package, fixture or utensil in which an alcoholic beverage or a tobacco product may be placed, or which is used in connection with it, or a vehicle or conveyance in which an alcoholic beverage or a tobacco product is being transported or which is used for the transportation of an alcoholic beverage or a tobacco product, shall at all times and under all circumstances by whomsoever held, owned, or possessed, be deemed qualified by the right of the state, the commission, and the chairman, to administer, execute and enforce the provisions of this title.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.94-2008, SEC.10.

IC 7.1-2-5-6
Certain property rights prohibited

Sec. 6. A person shall have no property right of any kind in alcohol, an alcoholic beverage, a malt article, or a tobacco product had, kept, transported, or possessed contrary to law, or in or to a receptacle or container of any kind in which these liquids and articles may be found, or in an unlawful or prohibited receptacle or container, or in a receptacle or container which does not conform to or which is being used contrary to or which is not kept in conformity to a rule or regulation of the commission, or which is being used to contain an alcoholic beverage or tobacco product upon which a tax is due and unpaid, or an adulterated or misbranded alcoholic beverage, or which is being used in an unlawful practice, or a practice contrary to a rule or regulation of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.94-2008, SEC.11.

IC 7.1-2-5-7
Illegal transportation; property rights limited

Sec. 7. A person who is interested in illegal transportation, or who has knowledge of it, shall have no right, title, or interest in or to a conveyance of any kind used for the illegal transportation of alcohol, alcoholic beverages, malt articles, or a tobacco product.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.94-2008, SEC.12.

IC 7.1-2-5-8
Forfeiture to state

Sec. 8. An officer who makes an arrest for a violation of the provisions of this title shall seize the evidence of the commission of that violation, including any vehicle, automobile, boat, air or water craft, or other conveyance in which alcohol, alcoholic beverages, malt articles, or tobacco products are kept, possessed, or transported contrary to law, or contrary to a rule or regulation of the commission. The articles and vehicles mentioned in this section and in sections 5 through 7 of this chapter are hereby declared forfeited to the state

and shall be seized.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.3-2008, SEC.68; P.L.94-2008, SEC.13.

IC 7.1-2-5-9
Opinion evidence

Sec. 9. Opinion Evidence. Testimony concerning the appearance, taste or odor of a beverage or liquid shall be received in evidence in a criminal prosecution under this title, or in a proceeding before the commission or a local board. A witness, either lay or expert, may testify as to his opinion that a beverage or liquid which he has tasted, seen, smelled, or otherwise examined is a particular type of alcoholic beverage.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-5-10
Repealed

(Repealed by P.L.63-1990, SEC.1.)

IC 7.1-2-5-11
Evidence of misbranding

Sec. 11. Evidence of Misbranding. An unbroken bottle which contains, or has contained, liquor or wine and which bears a brand, label, trade-mark, name or other device, marking, inscription, or a reference to quality, nature, character, origin, or manufacturer of the alcoholic beverage contents of that bottle, that has been altered, defaced, restored, or upon which the tax stamp of the federal government has been forged, counterfeited, restored, or reused, or which brand, label, trade-mark, name or other device, marking or inscription does not truly describe the contents or former contents shall be received in evidence in a court as prima facie proof that the person chargeable with the possession of it either is, or was, or both, maintaining a public nuisance and either is, or was, or both, keeping and possessing misbranded or adulterated alcoholic beverages.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.4.)

IC 7.1-2-5-12
Oral evidence

Sec. 12. The court shall receive oral testimony also upon a matter referred to in section 11 of this chapter for the purpose of showing a violation of this title whether the bottle is offered in evidence or not.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.1-2009, SEC.62.

IC 7.1-2-5-13
Destroyed evidence

Sec. 13. Destroyed Evidence. If a fluid is poured out or otherwise destroyed or carried away by the tenant or other person when a premises is being searched, the fluid shall be held to be, prima facie,

an alcoholic beverage held or possessed contrary to this title and intended for unlawful possession and sale. Proof of the possession of an empty bottle, keg, case and vessel that has contained a destroyed alcoholic beverage shall be admitted as evidence of the illegal possession of that alcoholic beverage.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-5-14
Sale of property seized from owner

Sec. 14. Sale of Property Seized from Owner. The court, upon conviction of the owner, shall order that personal property of any type seized under this title and which has been found to have been used, kept or possessed in violation of this title shall be sold by the chairman if the property has commercial value and may be purchased and used legally. The court shall order the chairman, or the sheriff, to destroy the property if it has no commercial value or cannot be purchased and used legally. However, the court shall enter its order of sale or destruction only after an opportunity has been given to the owner for a hearing concerning the proposed order.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-5-15
Sale of property seized from non-owner

Sec. 15. Sale of Property Seized from Non-Owner. The court, upon the conviction of a person other than the owner, found in charge or possession of personal property seized under this title, or upon written petition of the chairman if no person is found in charge of or in possession of the seized property, and if the court, upon hearing, finds that any of the personal property was used, kept, or possessed in violation of this title, with the knowledge of the owner, shall order the property disposed of as provided in IC 1971, 7.1-2-5-14. However, the court shall enter its order of sale or destruction only after an opportunity for a hearing has been given by not less than ten (10) days' notice to the owner, if he is known, or if he is not known, then by notice of the seizure of the property, with a description of it, by publication one (1) time in a newspaper of general circulation published in the county seat of the county of the court having jurisdiction. If there is no newspaper published in the county seat, the notice shall be published in a newspaper of a general circulation in the county. Notice published in a newspaper shall be given not less than ten (10) days prior to the time fixed for the hearing.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-5-16
Rights of lien holders

Sec. 16. Rights of Lien Holders. A lien holder, by intervention at a hearing as provided in IC 1971, 7.1-2-5-14, or 7.1-2-5-15, or in another proceeding brought for that purpose, at any time before the sale of property ordered sold, may have his lien determined and his

priority fixed. Liens determined under this section shall be transferred to and attached to the proceeds of the sale of the property.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-5-17
Conduct of sale

Sec. 17. Property ordered sold by a court under the provisions of section 14 or 15 of this chapter shall be sold by the chairman at public auction in any county in which he may deem it most advantageous to sell the property. The chairman shall give one (1) week's notice of the sale prior to the sale. The notice shall be published in the county seat of the county in which the sale is to be made. Property which has a commercial value and which may be lawfully purchased may be sold to any person. The proceeds of the sale, after deducting necessary costs and charges, including fees for publication, and payment of liens shall be paid to the chairman for deposit under IC 7.1-4-10-3.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.105-1995, SEC.4.

IC 7.1-2-6

Chapter 6. Remedies: Public Nuisances

IC 7.1-2-6-1

Public nuisance; places

Sec. 1. (a) The following are declared to be a public nuisance:

(1) A room, a house, a building, a boat, a structure, an automobile, other vehicle, or place of any kind where at least one (1) of the following occurs:

(A) An alcoholic beverage of any type is sold, possessed, manufactured, bartered, or given away in violation of law or a rule of the commission.

(B) A person is permitted to resort for the purpose of drinking an alcoholic beverage of any type in violation of law.

(2) A place where alcoholic beverages are kept for sale, barter, or gift in violation of law or in violation of a rule of the commission, and all alcoholic beverages and all other property kept in and used in maintaining a place.

(3) The business property of a person who knowingly or intentionally sells, possesses, manufactures, barters, or gives away alcoholic beverages in violation of law or a rule of the commission.

(b) The plaintiff in an action to abate a public nuisance under subsection (a)(3) must prove that the owner of the business had actual knowledge of the actions alleged to constitute a nuisance.

(c) In determining whether the owner of a business should be held liable for failing to abate a public nuisance under subsection (a)(3), the court shall consider the efforts the owner of the business took to abate the public nuisance, including whether the police department that serves the business owner's property had been notified by the business owner or the owner's employee of the actions alleged to constitute the public nuisance.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.52-1994, SEC.1.

IC 7.1-2-6-2

Public nuisance; acts

Sec. 2. Public Nuisance: Acts. An act or practice, or manner of conducting a business by a permittee contrary to a provision of this title or to a rule or regulation of the commission, or by a person not a permittee contrary to a provision of this title, shall also constitute a public nuisance if done, carried on, or permitted to take place in a building or upon a premises in or on which an alcoholic beverage is possessed, kept, stored, or consumed, or upon a vehicle, or conveyance in or on which an alcoholic beverage is being kept, stored, consumed, conveyed, transported, or imported into this state contrary to this title, or contary to a rule or regulation of the commission.

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

IC 7.1-2-6-3
Public nuisance; untaxed liquor

Sec. 3. Public Nuisance: Untaxed Liquor. A malt article, liquid, alcoholic beverage, or container of a substance or beverage in respect to which an excise tax or license fee is imposed under this title and upon which the tax or fee has not been paid, the receptacle in which it is contained and the premises where it is kept or hidden shall constitute a public nuisance.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.5.)

IC 7.1-2-6-4
Abatement of public nuisance

Sec. 4. Abatement of Public Nuisance. The commission, the chairman, the attorney general, a prosecuting attorney, a permittee authorized to sell alcoholic beverages within the county in which a common nuisance exists, kept, or maintained, or a number of permittees authorized to sell alcoholic beverages within the county or elsewhere within the state, or a taxpayer of the county, may maintain an action in the name of the state to abate and perpetually enjoin a public nuisance, or to abate, or enjoin, or both, a practice, or conduct of a person, whether a permittee or not, in violation of this title or a rule or regulation of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-5
Available remedies

Sec. 5. Available Remedies. The plaintiff in an action to abate a public nuisance shall not be required to give bond in the action. A temporary restraining order, a preliminary injunction, a permanent injunction, and other appropriate relief may be granted in this action as is allowed by the Indiana Rules of Civil Procedure.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-6
Evidence of federal tax payment

Sec. 6. Evidence of Federal Tax Payment. The payment of a federal government special tax by a person, or the possession by him of a stamp or receipt issued to him by the federal government, either as a retail dealer, or as a wholesale dealer in alcoholic beverages, or the possession by him, or the posting by him upon the premises of a stamp, certificate, permit or license issued under the authority of the United States authorizing him to deal in alcoholic beverages shall be prima facie evidence that the named person is engaged in possessing, selling, transporting, giving away or furnishing alcoholic beverages on the covered premises. This section shall apply in a criminal prosecution under this title or in an action to abate or enjoin a public nuisance or unlawful practice or a practice prohibited by a rule or regulation of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-7
Order of court

Sec. 7. Order of Court. The court shall order upon final judgment against the defendant that the room, house, building, structure, boat or place of any kind shall be closed for a period of one (1) year. However, the court may order in the alternative that the premises be closed for only a part of the one (1) year period or until the owner, lessee, tenant, or occupant of the premises gives bond with sufficient surety to be approved by the court making the order, in a penal sum of not less than one thousand dollars ($1,000), payable to the State of Indiana.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-8
Conditions of bond

Sec. 8. Conditions of Bond. The bond required by IC 1971, 7.1-2-6-7, shall be conditioned that an alcoholic beverage will not thereafter be manufactured, possessed, sold, bartered, given away, furnished, or otherwise disposed of in or on the public nuisance, or kept in or on it with the intent to sell, barter, give away, or otherwise dispose of it contrary to law or to a rule or regulation of the commission. The bond shall be conditioned also that the unlawful conduct or practice, or conduct of another person, whether a permittee or not, the violation of this title or of a rule or regulation of the commission, will not be permitted on or in the premises. The bond shall be conditioned further that the defendant will pay all fines, costs, and damages against him for the violation of this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-9
Recovery on bond

Sec. 9. Recovery on Bond. The whole amount of the bond filed under this chapter may be recovered as a penalty if a condition of the bond is violated. The penalty recovered shall be for the use of the city or town, or if outside the limits of a city or town, then to the county, in which the premises are situated.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-10
Abatement upon conviction

Sec. 10. Abatement Upon Conviction. A person may file a complaint with the circuit or criminal court of the county in which the offense was committed in a case in which a person has been convicted of a violation of this title, to abate as a public nuisance the real estate or other property involved in the commission of the offense or to enjoin the unlawful conduct or practice on or in the premises. In an abatement action under this section, a certified copy of the record of conviction shall be admissible in evidence and prima facie evidence that the room, house, building, boat, structure, automobile, or other vehicle, or place of any kind set forth and

described in the complaint is a public nuisance.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-11
Injunction pending trial

Sec. 11. Injunction Pending Trial. An action seeking relief through an injunction or abatement may be begun, carried on and concluded prior to or during the pending of the criminal prosecution of a defendant arising from or in connection with, or on, or at the room, house, building, boat, structure, automobile, or other vehicle, or place of any kind set out and described in the complaint for the action seeking relief through an injunction or abatement.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-12
Action by commission

Sec. 12. Action by Commission. The commission may enforce a provision of this title or a rule or regulation of the commission against a permittee either by way of seeking a writ of mandate mandating the defendant to comply with a rule or regulation of the commission or by an action for an injunction enjoining a permittee from violating a rule or regulation of the commission whether the conduct of the defendant does or does not constitute a public nuisance within the meaning of this title. A temporary restraining order, preliminary injunction, and a permanent injunction may be granted in such an action without a bond being filed by the plaintiff.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-13
Action by commission; representation

Sec. 13. Action by Commission: Representation. An action authorized by IC 1971, 7.1-2-6-12, shall be brought in the name of the State of Indiana on the relation of the commission. The commission may be represented by an attorney selected by it, or by the attorney general, or by a deputy or assistant attorney general assigned by the attorney general for the purpose of instituting or conducting the action, or by both.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-6-14
Remedies cumulative

Sec. 14. Remedies Cumulative. The remedies authorized by IC 1971, 7.1-2-5, and by this chapter are cumulative and in no sense shall one (1) of the remedies exclude another. The remedies provided in this article shall not limit or remove the power of the commission to revoke a permit.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-7

Chapter 7. Prevention of Discrimination Against Indiana Products

IC 7.1-2-7-1

Power of commission

Sec. 1. Power of Commission. The commission shall have the duty to make and enter orders with respect to alcoholic beverages manufactured, processed, or transported from, outside this state and imported into this state as will most effectively produce the discontinuance of discrimination by another state, territory, district, political subdivision, municipality, or person against alcoholic beverages produced in Indiana.

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

IC 7.1-2-7-2

Investigations

Sec. 2. Investigations. The commission, from time to time, either on its own initiative or on complaint of a resident of this state, shall make, or cause to be made, investigations of the laws, rules, regulations, ordinances and practices of the several states, territories, districts, political subdivisions and municipalities of the United States outside the State of Indiana, relating to alcoholic beverages manufactured or processed in or exported from, this state. The purpose of these investigations shall be to determine whether these laws, rules, regulations, ordinances and practices unfairly or unreasonably discriminate against alcoholic beverages manufactured or processed in or exported from this state, or in favor of a person outside this state.

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

IC 7.1-2-7-3

Entrance of orders

Sec. 3. Entrance of Orders. If, upon investigation, the commission finds that discrimination does exist, it shall make and enter one (1) of the following orders: (a) prohibiting the importation, transportation, purchase, receipt, sale, delivery, distribution, or possession into or within this state, of alcoholic beverages, or one (1) or more classes of them, manufactured or processed in or by, or exported from, the place or person outside this state, as in its opinion will produce most effectively the discontinuance of the discrimination; or,

(b) providing for a levy, assessment, collection and imposition of additional taxes, licenses, fees and restrictions upon or in connection with the privilege of importing, transporting, purchasing, receiving, selling, delivering, distributing or possessing, into or within this state, of alcoholic beverages, or one (1) or more classes of them, which are manufactured or processed in or by, or imported, transported or received from, a place or person outside this state, as in its opinion will produce most effectively the discontinuance of the

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

IC 7.1-2-7-4
Scope of orders

Sec. 4. Scope of Orders. The commission, in making an order under IC 1971, 7.1-2-7-3, shall not be limited to the products of the particular state, territory, district, political subdivision, municipality or person in which or in whose favor the discrimination is found to exist. The commission may include in its order the alcoholic beverages, or a class of them, manufactured or processed in or by, or imported, transported, or received from any other place or person outside this state, as in its opinion will produce most effectively the discontinuance of the discrimination.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-7-5
Hearing of aggrieved party

Sec. 5. Hearing of Aggrieved Party. A resident of this state who is aggrieved by an order of the commission entered under this chapter, may file, within thirty (30) days after the entrance of the order, his written complaint with the commission asking that the order be vacated or modified on the ground that it is unreasonable, insufficient, or unlawful. The petitioner shall set out in his complaint the facts and reasons on which his claim is based. The complaint shall be set for hearing before the commission not less than thirty (30), nor more than sixty (60), days after it is filed.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-7-6
When order becomes final

Sec. 6. When Order Becomes Final. An order of the commission entered under this chapter shall become final and shall not thereafter be open to attack for any purpose if a complaint is not filed pursuant to IC 1971, 7.1-2-7-5, within thirty (30) days after the entrance of the order.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-7-7
Conduct of hearing; appearance by corporation

Sec. 7. (a) The commission shall have the power to make and establish rules for the admission of evidence and the conduct of the hearing, as in its opinion will serve best the purpose of the hearing. The attorney general of the state shall appear at the hearing and represent the commission in the defense of its order.

(b) A corporation that is a party in any proceeding before the commission may elect to appear either by counsel or by the personal appearance of any of its corporate officers.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.78-1986, SEC.2.

IC 7.1-2-7-8
Findings

Sec. 8. Findings. The commission, at the conclusion of the hearing and within ten (10) days after it, shall make and enter its findings and decision vacating, modifying, or affirming its order. These findings and decision shall be final and conclusive as to all matters contained in them. The order of the commission shall be and remain in full force unless the commission, for good reason and by appropriate entry, rescinds it, or suspends its effective date.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-7-9
Reciprocity agreements

Sec. 9. Reciprocity Agreements. The commission may enter into a reciprocity agreement with another state, territory, district, political subdivision, or municipality outside this state, regarding the importation, exportation, transportation, sale, purchase, receipt, delivery, distribution or possession of alcoholic beverages. The reciprocity agreement may be made for the purpose of promoting the economic welfare of the citizens of, and of industry and labor in, this state, and for the purpose of preventing or discouraging discrimination against alcoholic beverages manufactured or processed in, or exported from, this state. The agreement may provide also for the remission of any additional taxes or fees levied pursuant to an order made and entered under the authority of this chapter. However, the commission shall not have the authority to enter into an agreement which will in any manner violate, change or modify a law of this state.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-8

Chapter 8. Jurisdiction and Miscellaneous Judicial Proceedings

IC 7.1-2-8-1

Jurisdiction; general rule

Sec. 1. Jurisdiction: General Rule. An action brought against the commission, or against the chairman as the chairman, shall be brought in the circuit or superior court of Marion County unless otherwise specifically provided in this title.

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

IC 7.1-2-8-2

Jurisdiction restricted

Sec. 2. Jurisdiction Restricted. Except as otherwise provided in this title, a person shall not bring an action against the State of Indiana, the commission, the chairman, or the chairman pro tempore, based upon a claim arising from the collection of money received by the state in connection with the administration or enforcement of a provision of this title. The consent of the State of Indiana is hereby expressly withdrawn and denied in such an action and no court shall have jurisdiction in such an action.

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

IC 7.1-2-8-3

Declaratory judgment

Sec. 3. Declaratory Judgment. The commission shall have the authority also to initiate, in the name of the State of Indiana on the relation of the commission, an action to obtain a declaratory judgment as to the meaning, application, or constitutionality of a provision of this title or of a rule or regulation of the commission or an order of the commission. The action shall be brought in any court having civil jurisdiction within Marion County against a permittee or other person. The proceedings shall conform to the Indiana Rules of Civil Procedure concerning declaratory judgments.

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

IC 7.1-2-8-4

Judicial notice

Sec. 4. Judicial Notice. A court shall take judicial notice of the signature of the chairman and of the seal of the commission. A court shall take judicial notice, also, of a document, paper, record, or instrument, or copy of these, duly authenticated, as prescribed in the rules and regulations of the commission.

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

IC 7.1-3

ARTICLE 3. PERMITS

IC 7.1-3-1

Chapter 1. General Provisions

IC 7.1-3-1-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The addition of section 28 of this chapter by P.L.204-2001 applies only to applications submitted after June 30, 2001.

(2) The amendments made to sections 5.5 and 5.6 of this chapter by P.L.204-2001 apply only to applications submitted after June 30, 2001. Applicants who submit an application before July 1, 2001, must comply with sections 5.5 and 5.6 of this chapter, as appropriate, as the provision was effective at the time the application was submitted.

As added by P.L.220-2011, SEC.171.

IC 7.1-3-1-1

Issuance of permits authorized

Sec. 1. Issuance of Permits Authorized. The commission may issue only the types of permits authorized by this article subject to the applicable provisions of this title.

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

IC 7.1-3-1-2

No property right in permit

Sec. 2. No Property Right in Permit. A permittee shall have no property right in a wholesaler's, retailer's, or dealer's permit of any type.

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

IC 7.1-3-1-3

Term of permits; renewal

Sec. 3. (a) A permit of any type issued by the commission, except as provided in subsections (b) and (f) or unless otherwise provided in this title, shall be in force for one (1) calendar year only, including the day upon which it is granted. At the end of the one (1) year period the permit shall be fully expired and null and void.

(b) Notwithstanding subsection (a), a permit that is subject to section 5.5 or 5.6 of this chapter is effective for two (2) calendar years, including the day upon which the permit is granted. However, a local board may recommend to the commission that the permit be issued or renewed for only a one (1) year period. The commission may issue or renew a permit for the period recommended by the local board.

(c) A permittee who is granted a two (2) year permit under subsection (b) or subsection (f) is liable for any annual fees assessed

by the commission. The annual fee is due on the annual anniversary date upon which the permit was granted.

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

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

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

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

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

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.52-1994, SEC.2; P.L.205-1999, SEC.8; P.L.250-2003, SEC.7; P.L.224-2005, SEC.2.

IC 7.1-3-1-3.1
Letters of extension

Sec. 3.1. (a) Notwithstanding section 3 of this chapter, any member of the commission may issue an original letter of extension extending the term of a permit for a maximum period of ninety (90) days for good cause shown upon the written request of the permittee and payment of the fee if required.

(b) Upon the expiration of an original letter of extension, or any renewal thereof, if good cause still exists, subsequent renewals of the extension may be granted to that permittee only upon the affirmative vote of a majority of the members of the commission.

As added by Acts 1982, P.L.69, SEC.5.

IC 7.1-3-1-3.5
Deposit of permits; business not in operation

Sec. 3.5. A permittee to whom a retailer or dealer permit has been issued under this title, may deposit that permit with the commission for a period of one (1) year if the permittee is unable to immediately operate the business to which the permit applies. The commission may extend the term of the deposit for not more than four (4) additional one (1) year periods if the permittee is able to show to the satisfaction of the commission that the permittee is making a good faith effort to put the permit into operation.

As added by Acts 1982, P.L.69, SEC.6. Amended by P.L.250-2003, SEC.8.

IC 7.1-3-1-4
Applications for permits; general

Sec. 4. The commission shall issue a permit authorized by this title only upon proper application. The application shall be in writing, and verified, upon forms prescribed and furnished by the commission. The application shall contain the terms and information required by this title or by the rules and regulations of the commission. The appropriate surety bond, if one is required, also shall be submitted with the application.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.22.

IC 7.1-3-1-5
Applications for permits; disclosures

Sec. 5. Applications for Permits: Disclosures. An application for a permit to sell alcoholic beverages of any kind, and the required publication of notice, shall disclose the name of the applicant and the specific address where the alcoholic beverages are to be sold, and any assumed business name under which the business will be conducted. The application and notice also shall disclose the names and addresses of the president and secretary of the corporation, club, association or organization who will be responsible to the public for the sale of the alcoholic beverage if the applicant is a corporation, club, association, or other type of organization.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.7.

IC 7.1-3-1-5.3
Notice to plan commission of application, renewal, or transfer of permit within its jurisdiction

Sec. 5.3. (a) This section applies to an application for a new permit, renewal of a permit, or transfer of a permit authorized by this article for a location in a:

(1) second or third class city; or

(2) county other than a county containing a consolidated city.

(b) As used in this section, "plan commission" has the meaning set forth in IC 36-7-1-14.

(c) A director of a plan commission may request the commission to notify the plan commission that the commission has received an application for a permit for a location within the territory where the plan commission has jurisdiction.

(d) If the commission receives a request under subsection (c), the commission shall provide to the appropriate plan commission a copy of the notice that the commission submits for publication to meet the requirements of section 5 of this chapter. The commission shall mail the copy to the plan commission no later than the day that the commission submits the notice for publication.
As added by P.L.70-1997, SEC.1.

IC 7.1-3-1-5.5
Applications for permits; counties with consolidated city; notice; affidavit

Sec. 5.5. (a) This section applies only in a county having a consolidated city.

(b) As used in this section, "contiguous property owner" refers to a property owner who has real property that is geographically adjacent to or in contact with any point on the border of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(c) As used in this section, "neighboring property owner" means:

(1) a contiguous property owner; or

(2) a property owner who has real property that:

(A) is geographically adjacent to or in contact with any point on the border of the property of a contiguous property owner; and

(B) some portion of which is within five hundred (500) feet of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(d) As used in this section, "principal owner" means any person or entity holding at least a fifteen percent (15%) interest in the business for which a permit is sought to sell alcoholic beverages.

(e) As used in this section, "property owner" means any person whose name and address appears in the county assessor's real property tax assessment records as a person responsible for the payment of property taxes on a parcel of real property.

(f) Except as provided in section 28(d) of this chapter, subsection (g) applies to a location in the consolidated city only if:

(1) the application is for a liquor dealer's permit for a location within the boundaries of the special fire service district, as determined in conformity with IC 7.1-3-22-8; or

(2) the local alcoholic beverage board requires the applicant to comply with subsection (g).

(g) In addition to the notice required by section 5 of this chapter, the applicant for a new permit, or a transfer of a permit to sell alcoholic beverages of any type or at any location must, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense to the following:

(1) Each neighboring property owner.

(2) The department of metropolitan development of the consolidated city.

(3) The following entities that have registered with the department of metropolitan development of the consolidated city:

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's

property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

(h) The notice that the applicant mails must provide the following information:

(1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

(i) The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the individuals or other entities to which notice was mailed by the applicant.

(j) In addition to the information required by subsection (i), the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) Verification from a department of the consolidated city designated by ordinance that the applicant is in compliance with zoning requirements for the premises to be licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

(k) Subsection (j)(1) does not apply to a permit holder that received and held a permit before September 1, 1987.

(l) Notwithstanding subsection (f)(1), an applicant seeking a transfer of a permit from a permit holder to a new permit holder when the new permit holder does not intend to change the nature of the business operated under the permit may apply to the local board for a waiver of the notice requirement in subsection (g). The local board may consider any information the local board considers relevant in making a determination to approve or deny the waiver request. The local board must approve or deny a waiver request at the first regularly scheduled meeting that occurs at least fifteen (15) days after the local board receives the waiver request from the applicant.

As added by P.L.112-1987, SEC.2. Amended by P.L.52-1994, SEC.3;

P.L.106-1995, SEC.4; P.L.70-1997, SEC.2; P.L.204-2001, SEC.23; P.L.10-2010, SEC.3.

IC 7.1-3-1-5.6
Permit renewal requirements

Sec. 5.6. (a) This section applies only in a county having a consolidated city.

(b) This section applies only to an application for the renewal of a permit to sell alcoholic beverages.

(c) The definitions set forth in section 5.5 of this chapter apply to this section.

(d) The renewal of a permit is subject to IC 7.1-3-19-9.5.

(e) Except as provided in section 28(d) of this chapter, subsections (f) and (g) apply to a location in the consolidated city only if the application is for a liquor dealer's permit.

(f) Notwithstanding subsection (d), if:

(1) an applicant has been cited for a violation of law or a rule of the commission; or

(2) the local alcoholic beverage board has received at least five (5) written complaints against the applicant alleging a violation of law or a rule of the commission;

then upon direction of the local board, the applicant shall, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense as provided in subsection (g).

(g) The applicant shall mail the notice required under subsection (f) to the following:

(1) Each neighboring property owner.

(2) The department of metropolitan development of the consolidated city.

(3) The following entities that have registered with the department of metropolitan development of the consolidated city:

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

(h) The notice that the applicant mails must provide the following information:

(1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

(i) The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the persons to whom notice was mailed by the applicant.

(j) In addition to the information required by subsection (i), the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) Verification from the department of metropolitan development of the consolidated city that the applicant is in compliance with zoning requirements for the premises to be licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

(k) Subsection (j)(1) does not apply to a permit holder that received and held a permit before September 1, 1987.

As added by P.L.52-1994, SEC.4. Amended by P.L.2-1995, SEC.38; P.L.106-1995, SEC.5; P.L.204-2001, SEC.24.

IC 7.1-3-1-6

Applications for permits; consent to search

Sec. 6. Applications for Permits: Consent to Search. An application for a permit shall contain the express statement of the applicant that he consents for the duration of the permit term, if it is issued to him, to the entrance, inspection, and search by an enforcement officer, without a warrant or other process, of his licensed premises and vehicles to determine whether he is complying with the provisions of this title. The consent required by this section is renewed and continued by the retention of a permit or its use by a permittee.

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

IC 7.1-3-1-6.5

Repealed

(Repealed by P.L.52-1994, SEC.7.)

IC 7.1-3-1-7
Surety bonds; amounts

Sec. 7. (a) An applicant for a brewer's permit, a distiller's permit, or a liquor wholesaler's permit shall file with the commission a surety bond in the penal sum of ten thousand dollars ($10,000).

(b) An applicant for a rectifier's permit shall file with the commission a surety bond in the penal sum of fifteen thousand dollars ($15,000).

(c) An applicant for a vintner's permit shall file with the commission a surety bond in the penal sum of one thousand dollars ($1,000).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.58-1984, SEC.1; P.L.205-1999, SEC.9.

IC 7.1-3-1-8
Terms and conditions of surety bond

Sec. 8. Terms and Conditions of Surety Bond. The required surety bond of an applicant shall meet with the approval of the commission. The bond shall be made payable to the State of Indiana and be conditioned that so long as the applicant holds his permit unrevoked, he will not violate a provision of this title or a rule or regulation of the commission relating to his permit. The bond also shall be conditioned that he will account for all taxes and fees levied by this title on the products manufactured, sold, or withdrawn for sale by the applicant under his permit. A permittee shall keep the bond in full force and effect continuously in order to keep his permit in force.

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

IC 7.1-3-1-9
Recovery on bond

Sec. 9. Recovery on Bond. The State of Indiana may recover the sum of one hundred dollars ($100), and no more, in any one (1) action on a permittee's surety bond for the violation of a rule or regulation of the commission. The State of Indiana may recover no more than two hundred dollars ($200) in any one (1) action on the surety bond for the violation of a provision of this title. Violations prior to the institution of the action on the bond shall be deemed one (1) continuing violation. However, the State of Indiana may recover the full amount of all taxes and fees due and owing by the permittee under this title in a single action on the bond. No person shall bring an action on the bond except the State of Indiana for the use and benefit of the state.

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

IC 7.1-3-1-10
Surety bond; approval

Sec. 10. Surety Bonds: Approval. The commission shall keep a surety bond filed under this title safely in its files. The commission shall not approve a surety bond unless the surety company is solvent and qualified to do business in this state. The commission, before

approving a surety bond, shall require the commissioner of the department of insurance to furnish to the commission copies of reports of the surety company and other information concerning the reserves and reliability of the company.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-11
Cash in lieu of bond

Sec. 11. Cash in Lieu of Bond. Cash, or bonds of the United States, or both, may be tendered to the commission in lieu of a surety bond required by the provisions of this title if it is tendered on the same terms and conditions as a surety bond.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-12
Cancellation of surety bond

Sec. 12. Cancellation of Surety Bond. A surety may not cancel or annul a surety bond filed in accordance with the provisions of this title after it has been approved by the commission. However, a surety, with the consent of the commission, may cancel a bond and be released from liability accruing after the effective date of the cancellation. The commission shall not approve a cancellation until the surety has paid and discharged in full its liability to the state on the bond to the date of the approval of the cancellation.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-13
Payments

Sec. 13. A person may make a payment to the commission:

(1) in cash;
(2) by a valid postal money order of the United States;
(3) by certified check;
(4) by cashier's check;
(5) by check drawn on the bank deposit of a business;
(6) by bank draft;
(7) by money order;
(8) by credit card, debit card, charge card, or similar method; or
(9) if approved by the commission, by an electronic funds transfer (as defined in IC 4-8.1-2-7).

However, payment made by one (1) of the methods listed in subdivisions (3) through (6) must be of or drawn upon a solvent bank or trust company. However, if a payment is made by bank draft, check, cashier's check, or money order, the liability is not finally discharged and the person has not paid the obligation until the draft, check, or money order has been honored by the institution on which it is drawn. If the payment is made by credit card, debit card, charge card, or similar method, the liability is not finally discharged and the person has not paid the liability until the commission receives payment or credit from the institution responsible for making the payment or credit. The commission may contract with a bank or

credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the commission or charged directly to the commission's account, the commission or credit card vendor may collect from the person using the bank or credit card a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.205-1999, SEC.10; P.L.204-2001, SEC.25.

IC 7.1-3-1-14

Times when sales lawful; athletic or sports events in specified counties or cities; auto racing

Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

(c) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament;

beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(d) 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.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.60, SEC.2.) As amended by P.L.99-1983, SEC.1; P.L.102-1989, SEC.1; P.L.64-1990, SEC.1; P.L.72-1991, SEC.1; P.L.1-1992, SEC.28; P.L.106-1995, SEC.6; P.L.205-1999, SEC.11; P.L.136-2000, SEC.1; P.L.72-2004, SEC.4; P.L.224-2005, SEC.3; P.L.165-2006, SEC.3; P.L.10-2010, SEC.4.

IC 7.1-3-1-15

Service while standing

Sec. 15. Service While Standing. It is lawful for a retail permittee to serve an alcoholic beverage to a customer whether the customer is seated or standing. It also is lawful for a customer of a retail permittee to be served an alcoholic beverage and to consume it

whether he is seated or standing.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-16
Repealed
(Repealed by Acts 1973, P.L.58, SEC.2.)

IC 7.1-3-1-17
Transportation of alcoholic beverages; general
Sec. 17. Transportation of Alcoholic Beverages: General. The traffic and transportation of alcohol and alcoholic beverages for sale within this state shall be subject to the rules and regulations of the commission. Alcohol and alcoholic beverages shall be transported and delivered only in containers that are lawful under this title and permissible under the rules and regulations of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-18
Publication of notice
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.
(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.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.224-2005, SEC.4.

IC 7.1-3-1-19
Character of the business test
Sec. 19. Character of the Business Test. Whenever the character of the business in which an applicant is engaged is material to his being issued a permit under this article, or is material to his being qualified to continue to hold the permit, it must be made to appear to the satisfaction of the commission that a substantial portion of the business carried on, or to be carried on, in the premises in respect to which a permit is applied for is in the nature of the applicant's main business function in the premises.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-20
Display of permit
Sec. 20. A person to whom a permit has been issued to carry on any of the businesses or undertakings authorized by this title shall, before being fully qualified to do business, post and display, and keep posted and displayed, in the most conspicuous place in the

person's licensed premises the person's permit to do business.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.77-1988, SEC.1.

IC 7.1-3-1-21
Sponsoring amateur athletic event

Sec. 21. The holder of a permit of any type issued under the provisions of this title or a manufacturer of an alcoholic beverage may sponsor, finance, or promote in any way an amateur athletic contest, amateur athletic team, or amateur athletic sporting event of any kind.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.57-1984, SEC.3.

IC 7.1-3-1-22
Medical exemption

Sec. 22. Medical Exemption. A regularly licensed physician, a dentist, or a person holding a license to practice medicine, or to engage in a profession in which the treatment of the human body, or of an animal body, is necessarily involved, a clinic, a noncommercial laboratory, a hospital or a sanitarium, may acquire, own and dispense for medicinal, mechanical or scientific purposes only, and not for beverage purposes, an alcoholic beverage or ethyl alcohol without a permit being issued under this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-23
Pharmacy exemption

Sec. 23. Pharmacy Exemption. A registered pharmacist who owns or manages a regularly licensed drug store and who is not the holder of a drug store permit issued pursuant to the provisions of IC 1971, 7.1-3-10, but who is the holder of an unrevoked permit of the Indiana Board of Pharmacy, may acquire, own and use only in the compounding of physician's prescriptions two (2) gallons of ethyl alcohol per year without a permit being issued under this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-23.5
Wine appreciation course instructor exemption

Sec. 23.5. An instructor teaching a class on wine appreciation at an accredited college or university (as described under IC 24-4-11-2) may purchase, acquire, possess, and dispense wine for educational purposes within the class without a permit under this title.
As added by P.L.54-2008, SEC.1.

IC 7.1-3-1-24
Religious exemption

Sec. 24. Religious Exemption. A pastor, rabbi, minister, or priest may purchase, acquire, possess and dispense wine for sacramental purposes or for performing a religious rite only without a permit

being issued under this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-1-25
Authorization to permit the sale of alcoholic beverages at certain public facilities

Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

(1) A consolidated city or its county.

(2) A second class city.

(3) A county having a population of more than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000).

(4) A county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).

(5) A county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred thirty-five thousand (135,000).

(6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(7) A city having a population of more than four thousand nine hundred fifty (4,950) but less than five thousand (5,000).

(8) A county having a population of more than one hundred thirty-five thousand (135,000) but less than one hundred thirty-eight thousand (138,000).

(9) A county having a population of more than two hundred seventy thousand (270,000) but less than three hundred thousand (300,000).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

(1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and

(2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first

applies for and secures the necessary permits required by this title.

(d) A township:

(1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and

(2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that owns a golf course may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

(1) has a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900); and

(2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

(1) A city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(2) A city having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).

(3) A city having a population of more than thirty-one thousand (31,000) but less than thirty-one thousand five hundred (31,500).

(4) A city having a population of more than thirty-six thousand eight hundred twenty-five (36,825) but less than forty thousand (40,000).

(5) A city having a population of more than forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000).

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

(1) by the person's self or in combination with another person

is the proprietor, as owner or lessee, of an entertainment complex; or

(2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued.

As added by Acts 1980, P.L.8, SEC.64. Amended by Acts 1982, P.L.1, SEC.22; P.L.100-1983, SEC.1; P.L.57-1984, SEC.4; P.L.85-1985, SEC.4; P.L.112-1987, SEC.3; P.L.103-1989, SEC.1; P.L.12-1992, SEC.55; P.L.87-1993, SEC.1; P.L.71-1996, SEC.3; P.L.71-1997, SEC.1; P.L.205-1999, SEC.12; P.L.136-2000, SEC.2; P.L.170-2002, SEC.54; P.L.165-2006, SEC.4; P.L.119-2012, SEC.79.

IC 7.1-3-1-26

Sales among collectors

Sec. 26. No permit is required for the sale, purchase, or gift by a collector to another collector of a container that is:

(1) a ceramic commemorative bottle; or

(2) a uniquely designed decanter.

An unbroken federal tax stamp must be on the container at the time of the sale, purchase, or gift.

As added by P.L.57-1984, SEC.5.

IC 7.1-3-1-27

Affidavit of compliance by retailer permittee; financial statements

Sec. 27. (a) Notwithstanding any other provision of this article, a retailer permittee who is required to comply with the gross food and beverage sales, or gross food sales, standards contained in this article as a condition of receiving, continuing to hold, or renewing, the permittee's permit, or otherwise doing business, may attest to the permittee's compliance with those standards by filing an affidavit of compliance with the commission.

(b) The affidavit of compliance authorized by subsection (a) must be in writing and signed by the permittee, or by a responsible officer or partner, under the penalties of perjury, that the representations contained in it are true.

(c) If the commission has reasonable grounds to doubt the truthfulness of an affidavit filed pursuant to subsection (a), it may require the permittee to support it by audited financial statements. If the audited financial statements do not support the affidavit and show the required compliance with the applicable standards of this article, the commission may revoke the permit.

As added by P.L.112-1987, SEC.4.

IC 7.1-3-1-28

Posting notice of application

Sec. 28. (a) This section applies to the initial issuance, transfer of location, or transfer of ownership of the following:

(1) Any form of retailer's permit issued under this title.

(2) Any form of dealer's permit issued under this title.

(b) To qualify for approval of an application, an applicant must

show proof to the commission that the applicant has provided notice concerning the application in conformity with this section.

(c) Except as provided in subsection (d), the applicant shall post a sign for the period, in the location, and in the form specified in the rules adopted by the commission to indicate to the public that the applicant is seeking the issuance of a retailer's or dealer's permit. The rules adopted by the commission must require that:

(1) the wording on the sign be in a sufficiently large type size; and

(2) the sign be posted in a sufficient manner in a window or another area;

so that the sign is visible from the largest public thoroughfare or the nearest public thoroughfare in the vicinity of the applicant's location. The commission may require an applicant to use a sign prepared by the commission. The commission may charge a fee for a sign prepared by the commission that does not exceed the cost of the sign.

(d) This subsection applies to a county having a consolidated city. If the application is for a permit other than a liquor dealer's permit, the applicant may:

(1) post notice of the application as set forth in subsection (c); or

(2) mail notice in accordance with:

(A) section 5.5 of this chapter if the application is for a new permit or transfer of a permit; or

(B) section 5.6 of this chapter if the application is for renewal of a permit.

As added by P.L.204-2001, SEC.26.

IC 7.1-3-1.5

Chapter 1.5. Certification of Alcohol Server Training Programs

IC 7.1-3-1.5-1

"Alcohol server"

Sec. 1. As used in this chapter, "alcohol server" means the following:

(1) A person who works on the licensed premises of a retailer permittee as a:

(A) manager;

(B) bartender; or

(C) waiter or a waitress.

(2) A person who works on the licensed premises of a dealer permittee as a:

(A) manager; or

(B) sales clerk.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-1.2

"Applicant"

Sec. 1.2. As used in this chapter, "applicant" means a person who applies for a trainer certificate under this chapter to train:

(1) alcohol servers; and

(2) individuals who plan to become certified trainers;

on the selling, serving, and consumption of alcoholic beverages.

As added by P.L.165-2006, SEC.5.

IC 7.1-3-1.5-1.3

"Certified trainer"

Sec. 1.3. As used in this chapter, "certified trainer" means a person who is issued a trainer certificate under section 4.6 of this chapter.

As added by P.L.165-2006, SEC.6.

IC 7.1-3-1.5-2

"Dealer permittee"

Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a liquor dealer permit under IC 7.1-3-10 for a package liquor store.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-3

"Program"

Sec. 3. As used in this chapter, "program" refers to a program designed to educate an alcohol server on the:

(1) selling;

(2) serving; and

(3) consumption;

of alcoholic beverages.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-4
"Retailer permittee"

Sec. 4. As used in this chapter, "retailer permittee" means a person who holds a:

(1) beer retailer's permit under IC 7.1-3-4;
(2) liquor retailer's permit under IC 7.1-3-9; or
(3) wine retailer's permit under IC 7.1-3-14.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-4.2
"Server certificate"

Sec. 4.2. As used in this chapter, "server certificate" means a certificate issued by the commission under this chapter to an individual who completes a program established or approved under section 6 of this chapter.

As added by P.L.165-2006, SEC.7.

IC 7.1-3-1.5-4.3
"Server program"

Sec. 4.3. As used in this chapter, "server program" refers to a program designed to educate an alcohol server on the:

(1) selling;
(2) serving; and
(3) consumption;

of alcoholic beverages.

As added by P.L.94-2008, SEC.14.

IC 7.1-3-1.5-4.4
"Trainer certificate"

Sec. 4.4. As used in this chapter, "trainer certificate" means a certificate issued by the commission under this chapter to an applicant who meets the requirements under section 4.6 of this chapter.

As added by P.L.165-2006, SEC.8.

IC 7.1-3-1.5-4.5
"Trainer program"

Sec. 4.5. As used in this chapter, "trainer program" refers to a program designed to educate an individual on the training of alcohol servers on the:

(1) selling;
(2) serving; and
(3) consumption;

of alcoholic beverages.

As added by P.L.94-2008, SEC.15.

IC 7.1-3-1.5-4.6
Trainer certificate; requirements

Sec. 4.6. Except as provided in section 10 of this chapter, the commission shall issue a trainer certificate to an applicant who:

(1) files the application and pays the fees established by the commission under section 5 of this chapter;

(2) completes a program established or approved under section 5.5 of this chapter; and

(3) meets the requirements under this chapter and rules adopted by the commission.

As added by P.L.165-2006, SEC.9. Amended by P.L.94-2008, SEC.16; P.L.269-2013, SEC.1.

IC 7.1-3-1.5-4.8
Certified trainer; authorized activities

Sec. 4.8. A certified trainer may train alcohol servers on the selling, serving, and consumption of alcoholic beverages.

As added by P.L.165-2006, SEC.10. Amended by P.L.94-2008, SEC.17.

IC 7.1-3-1.5-5
Rules

Sec. 5. The commission shall adopt rules under IC 4-22-2 to establish:

(1) an application form;

(2) standards; and

(3) fees;

for certification under this chapter.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.11.

IC 7.1-3-1.5-5.5
Trainer program; approval

Sec. 5.5. (a) Subject to subsection (b), the commission may approve a trainer program by a third party that is designed to educate individuals on the training of alcohol servers on the selling, serving, and consumption of alcoholic beverages.

(b) The commission may not approve a trainer program by a third party that holds or has an interest in any of the following permits:

(1) A primary source of supply permit.

(2) A beer, wine, or liquor wholesaler's permit.

(3) A beer, wine, or liquor retailer's permit.

(4) A beer, wine, or liquor dealer's permit.

(c) In approving a trainer program under this section, the commission may consider the following factors:

(1) The needs of applicants.

(2) The geographical distribution of the third parties' locations in Indiana.

(3) The adequacy of the facilities where the trainer program will be conducted.

As added by P.L.94-2008, SEC.18.

IC 7.1-3-1.5-6
Server program requirements

Sec. 6. (a) The commission shall:

(1) establish a server program;

(2) approve a server program established by a third party that meets the requirements of this chapter; and

(3) approve a server program established by a third party that meets the requirements of this chapter and IC 7.1-3-1.6;

that is designed to educate alcohol servers on the selling, serving, and consumption of alcoholic beverages.

(b) A server program established or approved under subsection (a) must include the following:

(1) Training provided by:

(A) an instructor who has knowledge in the subject areas described in this section and is a certified trainer under this chapter; or

(B) an online or self-study course under IC 7.1-3-1.6.

(2) Information on specific subject areas as required by the commission.

(3) A minimum of at least two (2) hours of training to complete the program.

(4) Information on:

(A) state laws and rules regarding the sale and service of alcoholic beverages;

(B) the classification of alcohol as a depressant and the effect of alcohol on the human body, particularly on the ability to drive a motor vehicle;

(C) the effects of alcohol:

(i) when taken with commonly used prescription and nonprescription drugs; and

(ii) on human behavior;

(D) methods of:

(i) identifying and refusing to serve or sell alcoholic beverages to an underage or intoxicated person; and

(ii) handling situations involving an underage or intoxicated person;

(E) methods for properly and effectively:

(i) checking the identification of an individual;

(ii) identifying an illegal identification of an individual; and

(iii) handling situations involving individuals who have provided illegal identification;

(F) security and law enforcement issues regarding the sale and service of alcoholic beverages; and

(G) recognizing certain behavior to assess the amount of alcohol an individual:

(i) has consumed; and

(ii) may safely consume.

(5) One (1) or both of the following:

(A) A written test.

(B) An oral test.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.12; P.L.94-2008, SEC.19; P.L.269-2013, SEC.2.

IC 7.1-3-1.5-7
Repealed

(Repealed by P.L.165-2006, SEC.40.)

IC 7.1-3-1.5-8
Trainer certificate expiration and renewal

Sec. 8. (a) A trainer certificate issued under this chapter expires three (3) years after the date the trainer certificate was issued.

(b) The commission shall notify a:

(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and

(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;

of the renewal requirements for a trainer certificate under this chapter.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.13.

IC 7.1-3-1.5-9
Trainer certificate renewal requirements

Sec. 9. To renew a trainer certificate under this chapter, the certified trainer must:

(1) file the renewal application established and provided by the commission;

(2) pay a renewal fee of forty-five dollars ($45); and

(3) complete a refresher course established or approved by the commission;

not later than the expiration date of the trainer certificate.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.14.

IC 7.1-3-1.5-10
Suspension or revocation of certificate; refusal to issue certificate; fines

Sec. 10. (a) The commission may refuse to issue a trainer certificate under this chapter to an applicant who has been convicted of a felony if less than two (2) years have elapsed from the date the applicant was discharged from probation, imprisonment, or parole, whichever discharge date is latest, to the date the applicant applies for the trainer certificate.

(b) The commission may:

(1) refuse to:

(A) issue a certificate under this chapter; or

(B) renew or restore a certificate issued under this chapter; or

(2) suspend or revoke a certificate issued under this chapter;

if the commission determines that the applicant or certificate holder has not complied with this chapter.

(c) The commission may fine a certificate holder for the violation of a:

(1) provision of this chapter; or

(2) rule adopted by the commission under this chapter.

The commission may fine a certificate holder for each day the violation continues if the violation is of a continuing nature.

As added by P.L.161-2005, SEC.1. Amended by P.L.269-2013, SEC.3.

IC 7.1-3-1.5-11

Injunction

Sec. 11. (a) If a person violates this chapter, the attorney general, the commission, or the prosecuting attorney of the county in which the person violates this chapter may maintain an action in the name of the state to enjoin the person from continuing in violation of this chapter.

(b) A person who is enjoined and who violates the injunction shall be punished for contempt of court.

As added by P.L.161-2005, SEC.1.

IC 7.1-3-1.5-12

Violation; Class B infraction

Sec. 12. (a) In the case of a program approved under IC 7.1-3-1.6, this section applies only to an individual providing the assistance described in IC 7.1-3-1.6-6(6).

(b) A person who trains alcohol servers without a trainer certificate under this chapter commits a Class B infraction.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.15; P.L.94-2008, SEC.20; P.L.269-2013, SEC.4.

IC 7.1-3-1.5-13

Retailer or dealer permittee; management representative; duties and responsibilities

Sec. 13. (a) A retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

(1) ensure that each alcohol server completes a server program or a trainer program established or approved under section 5.5 or 6 of this chapter not later than one hundred twenty (120) days after the date the alcohol server begins employment at the establishment;

(2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the server program subject areas described in section 6 of this chapter or subject areas of a trainer program every three (3) years after the date the alcohol server completes a server program or a trainer program; and

(3) maintain training verification records of each alcohol server.

(b) A retailer permittee, a dealer permittee, or a management

representative of a retailer or dealer permittee must complete a server program or a trainer program established or approved under section 5.5 or 6 of this chapter:

(1) not later than one hundred twenty (120) days after the date:

(A) the dealer permittee is issued a permit described in section 2 of this chapter; or

(B) the retailer permittee is issued a permit described in section 4 of this chapter; and

(2) every five (5) years after the date the retailer permittee, dealer permittee, or management representative of the retailer or dealer permittee completes a server program or a trainer program.

(c) The commission shall notify a:

(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and

(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;

of the requirements under subsections (a) and (b).

(d) The commission may suspend or revoke a retailer permittee's or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

As added by P.L.161-2005, SEC.1. Amended by P.L.165-2006, SEC.16; P.L.94-2008, SEC.21; P.L.10-2010, SEC.5; P.L.13-2013, SEC.27.

IC 7.1-3-1.5-14

Server certificate

Sec. 14. A server program established or approved under section 6 of this chapter must provide a server certificate to an individual who successfully completes the server program.

As added by P.L.165-2006, SEC.17. Amended by P.L.94-2008, SEC.22.

IC 7.1-3-1.5-14.5

Trainer certificate

Sec. 14.5. A trainer program established or approved under section 5.5 of this chapter must provide a trainer certificate to an individual who successfully completes the program.

As added by P.L.94-2008, SEC.23.

IC 7.1-3-1.5-15

Observation of server program

Sec. 15. The commission may attend and observe training by a certified trainer under a server program established or approved under section 6 of this chapter at any time.

As added by P.L.165-2006, SEC.18. Amended by P.L.94-2008, SEC.24.

IC 7.1-3-1.5-15.5

Observation of trainer program

Sec. 15.5. The commission may attend and observe training under a trainer program established or approved under section 5.5 of this chapter at any time.

As added by P.L.94-2008, SEC.25.

IC 7.1-3-1.5-16

Rules

Sec. 16. The commission shall adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.165-2006, SEC.19.

IC 7.1-3-1.6

Chapter 1.6. Online and Self-Study Server Courses

IC 7.1-3-1.6-1

Applicability of IC 7.1-3-1.5 definitions

Sec. 1. The definitions in IC 7.1-3-1.5 apply to this chapter.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-2

"Online course"

Sec. 2. As used in this chapter, "online course" means a course of instruction:

(1) designed to educate an alcohol server in the selling, serving, and consumption of alcoholic beverages; and

(2) that is provided by computer or connection to the Internet.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-3

"Participant"

Sec. 3. As used in this chapter, "participant" means a person who participates in an alcohol server program.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-4

"Self-study course"

Sec. 4. As used in this chapter, "self-study course" means a course of instruction:

(1) designed to educate an alcohol server in the selling, serving, and consumption of alcoholic beverages; and

(2) that is provided through printed materials.

The term does not include an online course.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-5

Online and self-study courses

Sec. 5. A server program under this chapter must include:

(1) an online course; and

(2) a self-study course;

approved by the commission.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-6

Server program requirements

Sec. 6. A server program under this chapter must meet the following requirements:

(1) Be one (1) or both of the following:

(A) A nationally recognized program that is approved by the commission.

(B) A program developed by and offered through the commission.

(2) Require verification of a participant's identity. In the case of an online course, verification may be through the use of a username and password, or by any other equally effective means.
(3) Provide a test consisting of at least forty (40) questions.
(4) Require a grade of at least seventy-five percent (75%) on the test to pass the course and receive a server certificate.
(5) Require completion of the course before a test may be taken.
(6) Provide participants with access to an individual with a trainer certificate to answer questions about the course content.
(7) Randomly generate combinations of test questions on a regularly scheduled basis.
(8) Use scenario-based training to enhance decision making.
(9) Comply with the requirements of IC 7.1-3-1.5-6(b).
(10) Comply with any other requirements of the commission.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-7
Online course requirements

Sec. 7. An online course must meet the following requirements:
(1) Provide a process for participants to securely log in to the course.
(2) Automatically log out participants after twenty (20) minutes of inactivity and allow participants to resume the course at the same point where they stopped.
(3) Provide intuitive:
(A) user navigation through the course; and
(B) user interface with the course.
(4) Use linear navigation that requires the completion of a module before the course proceeds to the next module.
(5) Use an interactive course design.
(6) Provide participants with adequate access to a help desk to resolve technical issues without delaying the flow of instruction.
(7) Provide that the course web site may not allow advertisements to appear on the course web site while the participant is receiving instruction, and provide that advertisements that appear on the web site when the participant is not receiving instruction follow generally accepted marketing practices.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-8
Eligibility requirements for self-study course

Sec. 8. (a) Unless an individual satisfies the eligibility requirements established by the commission under subsection (b) for participation in a self-study course, an individual may receive a server certificate only by successfully completing:
(1) a program established or approved by the commission under IC 7.1-3-1.5-6(a)(1) or IC 7.1-3-1.5-6(a)(2); or

(2) an online course under this chapter.

(b) The commission shall adopt eligibility requirements and an approval process for an individual to participate in a self-study course. In determining eligibility, the commission may consider:

(1) an individual's limited access to a computer;

(2) any physical disabilities affecting an individual's ability to participate in an online course; and

(3) any other relevant circumstances considered by the commission.

(c) The commission shall establish standards for printed self-study course materials, including the following:

(1) Use of good quality, full color photographs and limited illustrations to depict job tasks from the participant's point of view.

(2) Use of visual clues to focus participants on critical concepts.

(3) Use of activities that provide participants with an opportunity to practice concepts.

(4) Course materials of durable material and binding.

(d) The text of the self-study course materials and tests must be written in clear and understandable language.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-9

Self-study course test requirements

Sec. 9. A self-study course may not provide a test that is self-administered by the participant. A self-study course test must meet the following requirements:

(1) The participant must appear in person at a location to take the test.

(2) The participant's identity must be sufficiently verified.

(3) Any other requirements established by the commission.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-10

Server program provider reports

Sec. 10. A provider of a server program under this chapter shall submit a report every month to the commission or upon the commission's request. The report must provide the following information regarding each participant in the program during the previous month:

(1) The participant's full name.

(2) The participant's date of birth.

(3) The certificate number or system generated number providing a unique identification of the participant.

(4) Whether the course taken by the participant was an online course or self-study course.

(5) The following information regarding the test taken by the participant:

(A) The date of the test.

(B) The location of the test site if the test was administered

as part of a self-study course.

(C) The participant's score, reported as a percentage.

(D) Whether the participant passed or failed the exam.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-11

Server program provider self-generated audit

Sec. 11. (a) A provider of a server program under this chapter shall provide the commission with a self-generated program audit on January 2 of each year.

(b) The self-generated program audit must include the following information for the previous calendar year:

(1) An overview of the program provider, including how long the program provider has been in existence and offered alcohol server programs for certification in Indiana.

(2) The following:

(A) A copy of the job task analysis for the job of alcohol server.

(B) The knowledge, skills, and abilities that are defined for the job of alcohol server.

(3) Information regarding the job task analysis under subdivision (2), including the following:

(A) An overview of the process used to conduct the job task analysis, including:

(i) timelines;

(ii) data collection formats; and

(iii) procedures.

(B) Credentials and demographic information of all individuals involved in the job task analysis.

(4) An overview of the process of creating the course tests.

(5) A description of the rotation of test questions.

(6) An enumeration of each of the following with respect to the provider's program:

(A) The number of each type of course taken by participants for certification in Indiana.

(B) The number of tests taken for certification in Indiana.

(C) The number of tests under clause (B) that had a passing grade or a failing grade.

(7) The program pass rate for certification in Indiana.

(8) The number of Indiana server certificates issued by the provider.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-1.6-12

Server program provider onsite audits

Sec. 12. A provider of a server program under this chapter must be willing to accept onsite audits by the commission and perform onsite audits as the commission considers necessary. An onsite audit may review the following:

(1) The self-generated program audit described in section 11 of

this chapter.

(2) The number of Indiana server certificates that have been issued by the program provider.

(3) The measures taken by the program provider for the protection of test questions.

(4) The procedures of the program provider for scoring tests.

(5) The size of the item bank from which the test questions are taken.

(6) The methodology used to translate the course and test into multiple languages and the qualifications of the individuals performing the translation.

(7) The integrity of the course data generated and stored by the program provider.

(8) The program provider's data handling, reporting, and archiving capacities, policies, and procedures.

(9) The availability and credentials of individuals providing qualified assistance to participants who have questions regarding course content and instructional materials.

(10) The program provider's policies and procedures for addressing participants' questions.

(11) The program provider's procedures to ensure that participants are not discriminated against due to age, sex, race, religion, ethnic origin, disability, or marital status.

As added by P.L.269-2013, SEC.5.

IC 7.1-3-2

Chapter 2. Brewers' Permits

IC 7.1-3-2-1

Application

Sec. 1. Application. The commission may issue a brewer's permit to a person who desires to commercially manufacture beer.

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

IC 7.1-3-2-2

Persons eligible for permits

Sec. 2. (a) The commission may issue a brewer's permit for a brewery that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana. The commission may issue a permit under this subsection only to:

(1) an individual;

(2) a partnership, all the partners of which are bona fide residents of Indiana;

(3) a limited liability company, all the members of which are bona fide residents of Indiana; or

(4) a corporation organized and existing under the laws of Indiana and having authority under its charter to manufacture or sell beer.

The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

(b) The commission may issue a brewer's permit to a brewer for a brewery that manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana. The commission may issue a permit under this subsection only to:

(1) an individual;

(2) a partnership organized and existing under the laws of Indiana;

(3) a limited liability company organized and existing under the laws of Indiana; or

(4) a corporation organized and existing under the laws of Indiana.

The permit does not limit the number of barrels of beer in a calendar year that the brewer may manufacture for sale or distribution outside Indiana.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.51-1994, SEC.3; P.L.72-2004, SEC.5; P.L.186-2011, SEC.2; P.L.71-2012, SEC.1.

IC 7.1-3-2-3

Preference for existing permittees

Sec. 3. Preference for Existing Permittees. A holder of a brewer's permit shall be entitled to preference in the issuance of a brewer's permit over a new applicant for that permit and the existing permittee

shall not be refused the permit except for good cause after hearing.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-2-4
Out-of-state brewer; qualifications

Sec. 4. A brewer or other person located outside Indiana who is desirous of selling beer or flavored malt beverage to an Indiana permittee for importation into and resale in Indiana, in order to qualify under this title, shall file with the commission a surety bond in a penal sum equal to its average monthly excise tax liability for the previous year, payable to the state of Indiana and conditioned on the principal's faithful performance and discharge in its agreement with the commission as provided in section 5 of this chapter. The bond and agreement, unless suspended or revoked, shall be renewable annually.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.58-1984, SEC.2; P.L.72-1996, SEC.2.

IC 7.1-3-2-5
Out-of-state brewer; agreement

Sec. 5. There shall accompany the bond required by section 4 of this chapter an agreement by the applicant to:

(1) pay to the state the taxes and fees levied by the state for which the applicant is liable on beer shipped or transported into Indiana;

(2) furnish reports required by the commission of the sales of beer and flavored malt beverage by the principal to an Indiana permittee; and

(3) consent to an examination of the principal's records pertaining to sales to an Indiana permittee.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.58-1984, SEC.3; P.L.72-1996, SEC.3.

IC 7.1-3-2-6
Cessation of manufacturing; revocation of permit

Sec. 6. Cessation of Manufacturing: Revocation of Permit. The commission may revoke the permit of a brewer if the brewer does not, in good faith, begin to manufacture beer within six (6) months after the issuance of the permit, or if he suspends manufacturing of beer for six (6) consecutive months, without the consent and approval of the commission. The revocation shall be affected in accordance with the rules and regulations of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-2-7
Scope of permit

Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

(1) Manufacture beer.

(2) Place beer in containers or bottles.
(3) Transport beer.
(4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
(5) If the brewer's brewery manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:

(A) Sell and deliver beer to a person holding a retailer or a dealer permit under this title.
(B) Be the proprietor of a restaurant.
(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).
(D) Transfer beer directly from the brewery to the restaurant by means of:
(i) bulk containers; or
(ii) a continuous flow system.
(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.
(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.
(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must furnish the minimum food requirements prescribed by the commission.
(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.
(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(6) If the brewer's brewery manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

(A) is located in the same county as the brewer's brewery;
(B) manufactures less than thirty thousand (30,000) barrels of beer in a calendar year; and
(C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:
(A) produced by the brewer; and
(B) offered to consumers for consumption on the brewer's premises.
(8) Own a portion of the corporate stock of a sports corporation that:
(A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
(B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.
(9) For beer described in IC 7.1-1-2-3(a)(4):
(A) may allow transportation to and consumption of the beer on the licensed premises; and
(B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.52-1992, SEC.3; P.L.88-1993, SEC.1; P.L.15-1994, SEC.3; P.L.107-1995, SEC.1; P.L.177-1999, SEC.6; P.L.72-2004, SEC.6; P.L.94-2008, SEC.26; P.L.10-2010, SEC.6; P.L.186-2011, SEC.3; P.L.71-2012, SEC.2.

IC 7.1-3-2-8
Transportation of beer

Sec. 8. Transportation of Beer. The transportation of beer to a county within this state shall be only in barrel or keg containers, or in bottles, or in other containers permissible under the rules and regulations of the commission. A brewer may ship beer to points outside this state in any convenient container.

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

IC 7.1-3-2-9
Out-of-state brewer; use of beer wholesalers

Sec. 9. An out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may:
(1) appoint a beer wholesaler to perform the services described in IC 7.1-3-3-5(f)(1) through IC 7.1-3-3-5(f)(2); and
(2) provide a fee to a beer wholesaler who performs the services described in IC 7.1-3-3-5(f)(1) through IC 7.1-3-3-5(f)(2).

As added by P.L.72-1997, SEC.1.

IC 7.1-3-3

Chapter 3. Beer Wholesalers' Permits

IC 7.1-3-3-1

Application

Sec. 1. Application. The commission may issue a beer wholesaler's permit to a person who desires to sell beer at wholesale and who meets the qualifications required by this title. The commission may require additional proof, by affidavit or otherwise, that an applicant possesses any or all of the required qualifications.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-2

Necessary investment

Sec. 2. Necessary Investment. An applicant for a beer wholesaler's permit shall have available for investment, capital, in cash or property, necessary and useful in his business, exclusively as a beer wholesaler, of at least fifteen thousand dollars ($15,000), exclusive of motor vehicles. If his application is granted, the investment shall actually be made and proof of it submitted to the commission before the applicant shall engage in business as a beer wholesaler. The provisions of this section shall not apply to a permittee who held a valid beer wholesaler's permit as of April 2, 1965.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-3

Building requirements

Sec. 3. Building Requirements. The building to be occupied by a beer wholesaler shall be owned or leased by him, or storage space in it shall be leased to him. If the building or storage space is held by lease, the lease shall be for the full term of the permit, and no other person, or stockholder of a corporation, interested in the manufacture of, or in the sale at retail of, alcoholic beverages shall own the building or have any interest in it.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-4

Premises described in application

Sec. 4. (a) The premises to be used as a warehouse by an applicant shall be described in the application for the permit. The commission shall not issue a beer wholesaler's permit to an applicant for any other warehouse or premises than that described in the application. The commission shall issue only one (1) beer wholesaler's permit to an applicant, but a permittee may be permitted to transfer the permittee's warehouse to another location within the county that is not required to be within the corporate limits of an incorporated city or town, upon application to, and approval of, the commission.

(b) As used in this subsection, "immediate relative" means the father, the mother, a brother, a sister, a son, or a daughter of a wholesaler permittee. Notwithstanding subsection (a), the

commission, upon the death or legally adjudged mental incapacitation of a wholesaler permittee, may allow the transfer of the wholesaler permit only to an immediate relative of the wholesaler permittee who concurrently holds a majority share in a valid wholesaler permit.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.205-1999, SEC.13; P.L.94-2008, SEC.27.

IC 7.1-3-3-5

Scope of permit

Sec. 5. (a) The holder of a beer wholesaler's permit may purchase and import from the primary source of supply, possess, and sell at wholesale, beer and flavored malt beverages manufactured within or without this state.

(b) A beer wholesaler permittee may possess, transport, sell, and deliver beer to:

(1) another beer wholesaler authorized by the brewer to sell the brand purchased;

(2) an employee; or

(3) a holder of a beer retailer's permit, beer dealer's permit, temporary beer permit, dining car permit, boat permit, airplane permit, or supplemental caterer's permit;

located within this state. The sale, transportation, and delivery of beer shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery.

(c) The beer wholesaler's bona fide regular employees may purchase beer from the wholesaler in:

(1) bottles, cans, or any other type of permissible containers in an amount not to exceed forty-eight (48) pints; or

(2) one (1) keg;

at any one (1) time.

(d) The importation, transportation, possession, sale, and delivery of beer shall be subject to the rules of the commission and subject to the same restrictions provided in this title for a person holding a brewer's permit.

(e) The holder of a beer wholesaler's permit may purchase, import, possess, transport, sell, and deliver any commodity listed in IC 7.1-3-10-5, unless prohibited by this title. However, a beer wholesaler may deliver flavored malt beverages only to the holder of one (1) of the following permits:

(1) A beer wholesaler or wine wholesaler permit, if the wholesaler is authorized by the primary source of supply to sell the brand of flavored malt beverage purchased.

(2) A wine retailer's permit, wine dealer's permit, temporary wine permit, dining car wine permit, boat permit, airplane permit, or supplemental caterer's permit.

(f) A beer wholesaler may:

(1) store beer for an out-of-state brewer described in IC 7.1-3-2-9 and deliver the stored beer to another beer wholesaler that the out-of-state brewer authorizes to sell the

beer;

(2) perform all necessary accounting and auditing functions associated with the services described in subdivision (1); and

(3) receive a fee from an out-of-state brewer for the services described in subdivisions (1) through (2).

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.60, SEC.3; Acts 1974, P.L.25, SEC.2.) As amended by Acts 1978, P.L.52, SEC.1; P.L.57-1984, SEC.6; P.L.78-1986, SEC.3; P.L.72-1996, SEC.4; P.L.72-1997, SEC.2; P.L.224-2005, SEC.5; P.L.94-2008, SEC.28.

IC 7.1-3-3-6
Renewals

Sec. 6. Renewals. A permittee who holds a beer wholesaler's permit and who desires that it be renewed shall file an application for renewal with the commission not less than thirty (30) days prior to the expiration of the existing permit. The application shall be made in the same manner that an application for an original permit is made.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-7
Action of commission on renewals

Sec. 7. Action of Commission on Renewals. The commission shall notify the applicant in writing of its determination to grant or deny the renewal of a beer wholesaler's permit not more than ten (10) days after the filing of the application. The notice may be given by personal service upon the applicant or by registered mail, addressed to applicant at the address shown in the application for renewal. The registration and deposit of the notice, properly addressed, in the post office within the ten (10) day period shall be sufficient when the notice is given by registered mail.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-8
Notice of renewal

Sec. 8. Notice of Renewal. The determination shall be final and conclusive if the notice advises the applicant that his beer wholesaler's permit will be renewed at the expiration of the existing permit term. Prior to the expiration of the existing permit term, the commission shall issue a renewal beer wholesaler's permit to the applicant for the ensuing year. The failure on the part of the commission to issue the renewal permit prior to the expiration of the existing permit shall not deprive the applicant of the right to continue in operation pending its issuance.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-9
Demand for public hearing

Sec. 9. Demand for Public Hearing. The commission shall state in the notice to the applicant the reasons for the denial of the renewal of his beer wholesaler's permit if they decide not to renew the permit.

The commission shall grant a public hearing to the applicant on the matter if, within five (5) days after receipt by the applicant of the notice of denial, he files with the commission a written demand for a public hearing. The hearing shall be held either in the offices of the commission or in the county seat of the county in which the applicant's place of business is located after ten (10) days' notice to the applicant of the time and place of the hearing.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-10
Conduct of hearing

Sec. 10. Conduct of Hearing. The hearing on the denial of the renewal shall be conducted by a member of the commission or by a special examiner designated by it for this purpose. A deputy attorney general of the state shall represent the State of Indiana at the hearing and he shall present the written and oral evidence in support of the reasons given in the notice of the denial of the renewal of the beer wholesaler's permit. The applicant, in person or by counsel, shall present his evidence in support of his right to the renewal and in rebuttal of the evidence presented by the state. The burden shall be upon the state to establish the existence and sufficiency of the reasons for the denial of the renewal of the permit.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-11
Findings and conclusions; action of commission

Sec. 11. Findings and Conclusions: Action of Commission. The person who conducted the hearing shall make a report of the recommended findings of fact and conclusions to the commission following the hearing. The commission, upon receipt of the report, by a majority vote of its membership, shall make findings of fact and state its conclusions affirming or reversing the proposed denial of renewal. The commission shall enter its order accordingly and that order shall be final and conclusive except as otherwise provided in this title. The commission shall serve the applicant, personally or by registered mail, with a copy of the findings of fact, conclusions, and order.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-12
Petition for review

Sec. 12. Petition for Review. The applicant, if the order of the commission affirms the denial of the renewal of his permit, may file, within ten (10) days following its receipt by him, an action to review the findings, conclusions and order in the Superior Court of Marion County, or in the circuit or superior court of the county in which the applicant has his licensed premises, to set aside and enjoin the enforcement of the order of denial on the grounds that it is unlawful, unreasonable, or insufficient, or that it was obtained by wrongful, fraudulent or other unlawful methods.

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

IC 7.1-3-3-13
Contents of petition

Sec. 13. Contents of Petition. The petition for review shall be verified by the applicant, or by someone in his behalf having knowledge of the matters stated in the petition, and may include a prayer that a temporary restraining order be issued against the commission, temporarily restraining it from enforcing its order denying the renewal. The temporary restraining order, if issued, shall be issued in accordance with the procedures provided in the Indiana Rules of Civil Procedure.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-14
Ad interim operations

Sec. 14. Ad Interim Operations. The denial of the renewal of the permit shall not become effective until ten (10) days following the receipt by the applicant of a copy of the findings of fact, conclusions, and order of the commission affirming the denial if notice of denial of renewal has been given and a public hearing has been demanded as provided in this chapter. The enforcement of the commission's order of denial of renewal shall be suspended pending the expiration or dissolution of the temporary restraining order if one has been sought and issued as provided in this chapter. During the period that the order of denial is ineffective or suspended, the applicant shall be fully authorized and entitled to operate as a beer wholesaler to the same extent and effect as though a renewal permit had been issued concurrently with the expiration of his previous permit, and without being liable, criminally or civilly, on the ground of operating his beer wholesaler's business without a permit.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-15
Trial

Sec. 15. Trial. The court shall give preference to the action for review in order that, consistent with justice, the matters in issue may be determined speedily. A change of venue from the county shall not be granted in an action for review, but either party may apply for and secure a change of judge under the Indiana Rules of Civil Procedure. The trial of the action shall be by the court without the intervention of a jury.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-16
Costs

Sec. 16. Costs. The commission, in the event the denial of renewal becomes final as a result of a failure to bring an action for review, or as a result of the final judgment of the court in which the action was brought, shall deduct from the annual license fee accompanying the

application the amount of court costs taxed against the applicant and shall pay it to the clerk of the court. The commission shall apply the balance of the annual license fee to the payment of a license fee for the period of the beer wholesaler's continued operation computed at the rate of two dollars and seventy-five cents ($2.75) per day for the number of calendar days, including Sundays and holidays, elapsed during the period of continued operation.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-17
Cancellation of franchise agreement

Sec. 17. Cancellation of Franchise Agreement. The circuit or superior court of the county in which the licensed premises of a beer wholesaler are located shall have jurisdiction to enjoin the cancellation or termination of a franchise or agreement between a beer wholesaler and a brewer in violation of IC 1971, 7.1-5-5-9. The action may be brought by a beer wholesaler or brewer who is or might be adversely affected by the cancellation or termination. The court, in granting an injunction under this section, shall provide that the brewer shall not supply the customers or territory of the beer wholesaler through servicing the customers or territory through another beer wholesaler or by any other means while the injunction is in effect. An injunction issued under this section shall require the posting of proper bond against damages for an injunction improvidently granted and a showing that the danger of irrevocable loss or damage is immediate. The beer wholesaler shall continue to service the accounts of the brewer in good faith during the term of the injunction.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-18
Certain transactions void

Sec. 18. Certain Transactions Void. The transfer, sale, acquisition, assignment, control of, or beneficial interest, direct or indirect, in or to a beer wholesaler's permit, or in its business, or in its corporate stock, by a brewer contrary to the provisions of IC 1971, 7.1-5-9-2, or the transfer, assignment upon the capital stock book, or other corporate record, of a corporation holding a beer wholesaler's permit, of the capital stock, or a part of it, is wholly void and not capable of validation.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-3-19
Permits prohibited to persons holding wine wholesaler's permit and liquor wholesaler's permit

Sec. 19. The commission may not issue a beer wholesaler's permit to a person who holds a wine wholesaler's permit and a liquor wholesaler's permit.
As added by P.L.72-1996, SEC.5.

IC 7.1-3-4

Chapter 4. Beer Retailers' Permits

IC 7.1-3-4-1

Application

Sec. 1. Application. The commission may issue a beer retailer's permit to a person who desires to sell beer to customers for consumption on the licensed premises and who meets the qualifications provided by this title.

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

IC 7.1-3-4-2

Special disqualifications

Sec. 2. (a) The commission shall not issue a beer retailer's permit, except as otherwise authorized in this title and subject to the other restrictions contained in this title, to the following persons:

(1) An alien.

(2) A person who:

(A) is not of good moral character and of good repute in the community in which the person resides; or

(B) has been convicted within ten (10) years before the date of application of:

(i) a federal crime having a sentence of at least one (1) year;

(ii) an Indiana Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014); or

(iii) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014).

(3) A person who does not own the premises to which the permit will be applicable, or who does not have a bona fide lease on the premises for the full period for which the permit is to be issued.

(4) A law enforcement officer or an officer who is not an elected officer of a municipal corporation, or governmental subdivision, or of this state, charged with any duty or function in the enforcement of this title.

(5) An officer or employee of a person engaged in the alcoholic beverage traffic, which person is a nonresident of this state, or is engaged in carrying on any phase of the manufacture of, traffic in, or transportation of alcoholic beverages without a permit under this title when a permit is required by this title.

(6) If the permit applicant does not hold a brewer's permit, a person who leases from a person, or an officer or agent of that person, who holds a brewer's permit or a beer wholesaler's permit.

(7) If the permit applicant does not hold a brewer's permit, a person who is indebted to a person who holds a brewer's permit or a beer wholesaler's permit, or an officer or agent of that person, for a debt secured by a lien, mortgage, or otherwise, upon the premises for which the beer retailer's permit is to be applicable, or upon any of the property or fixtures on the premises, or used, or to be used in connection with the premises.

(8) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required for the issuance of a beer retailer's permit to the person.

(9) A minor.

(10) A person non compos mentis.

(11) A person who has held a permit under this title and who has had that permit revoked within one (1) year prior to the date of application for a beer retailer's permit.

(12) A person who has made an application for a permit of any type which has been denied less than one (1) year prior to the person's application for a beer retailer's permit unless the first application was denied by reason of a procedural or technical defect.

(13) A person who is not the proprietor of a restaurant located and being operated on the premises described in the application for the beer retailer's permit, or of a hotel, or of a club, owning, or leasing the premises as a part of it. The disqualification contained in this subdivision shall not apply to the qualifications for or affect the privileges to be accorded under a beer dealer's permit or a dining car beer permit.

(b) Subsection (a)(9) does not prevent a minor from being a stockholder in a corporation.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.5; P.L.88-1993, SEC.2; P.L.73-1997, SEC.1; P.L.205-1999, SEC.14; P.L.158-2013, SEC.123.

IC 7.1-3-4-3

Premises outside corporate limits

Sec. 3. Premises Outside Corporate Limits. (a) The commission may issue a beer retailer's permit for premises situated outside the corporate limits of an incorporated city or town if the premises are within, or in immediate proximity to, an unincorporated town:

(1) which has been a settlement or a group of residences for more than ten (10) years;

(2) to which the inhabitants of the surrounding countryside resort for purchases or public meetings or as a community or neighborhood center; and

(3) which has borne a name and has been known by that name for more than ten (10) years.

(b) The county surveyor of the county in which the premises is located shall certify the information set forth in subsection (a) to the

commission.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.276-2001, SEC.2.

IC 7.1-3-4-4
Premises outside corporate limits; persons eligible

Sec. 4. Premises Outside Corporate Limits: Persons Eligible. The commission may issue a beer retailer's permit as authorized by IC 1971, 7.1-3-4-3, only to an applicant who is the proprietor of a drug store, grocery store, confectionery, or of a store in good repute which, in the judgment of the commission, deals in other merchandise that is not incompatible with the sale of beer.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-4-5
Repealed

(Repealed by P.L.204-2001, SEC.68.)

IC 7.1-3-4-6
Scope of permit

Sec. 6. (a) The holder of a beer retailer's permit shall be entitled to purchase beer for sale under his permit only from a permittee entitled to sell to him under this title. A beer retailer shall be entitled to possess beer and sell it at retail to a customer for consumption on the licensed premises. A beer retailer also shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A beer retailer shall not be entitled to sell beer at wholesale. He shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall he be entitled to sell beer at a place other than the licensed premises. However, a beer retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A beer retailer shall be entitled to sell and deliver warm or cold beer for carry out, or for at-home delivery, in barrels or other commercial containers in a quantity that does not exceed fifteen and one-half (15 1/2) gallons at any one (1) time.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1979, P.L.83, SEC.2; P.L.112-1987, SEC.5.

IC 7.1-3-4-7
Limitation of sales; fees; clubs; discrimination

Sec. 7. (a) Notwithstanding any other law, a beer retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A beer retailer may call the annual fee described in subsection

(a) a membership fee.

(c) A beer retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a beer retailer to discriminate among persons on the basis of race, sex, age, or religion when selecting persons to have access to the retailer's facilities and services.

As added by P.L.73-1991, SEC.1.

IC 7.1-3-5

Chapter 5. Beer Dealers' Permits

IC 7.1-3-5-0.3

Legalization of certain beer dealer permits issued or transferred after June 30, 1997, until March 14, 2002

Sec. 0.3. A new or renewal beer dealer permit issued or transferred to a package liquor store after June 30, 1997, and until March 14, 2002, is legalized.

As added by P.L.220-2011, SEC.172.

IC 7.1-3-5-1

Application

Sec. 1. Application. The commission may issue a beer dealer's permit to a person who desires to sell beer to customers for consumption only off the licensed premises and who meets the qualifications provided by this title.

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

IC 7.1-3-5-2

Applicants eligible for permits; renewal of permits

Sec. 2. (a) The commission may issue a beer dealer's permit only to an applicant who is the proprietor of a drug store, grocery store, or package liquor store.

(b) The commission may issue a beer dealer's permit to an applicant that is a foreign corporation if:

(1) the applicant is duly admitted to do business in Indiana;

(2) the sale of beer is within the applicant's corporate powers; and

(3) the applicant is otherwise qualified under this title.

(c) The commission shall not issue a beer dealer's permit to a person who is disqualified under the special disqualifications. However, the special disqualification listed in IC 7.1-3-4-2(a)(13) shall not apply to an applicant for a beer dealer's permit.

(d) Notwithstanding subsection (a), the commission may renew a beer dealer's permit for an applicant who:

(1) held a permit before July 1, 1997; and

(2) is the proprietor of a confectionery or a store that:

(A) is not a drug store, grocery store, or package liquor store;

(B) is in good repute; and

(C) in the judgment of the commission, deals in merchandise that is not incompatible with the sale of beer.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.74-1997, SEC.1; P.L.41-2002, SEC.1.

IC 7.1-3-5-3

Scope of permit

Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled

to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer allow it to be consumed on the licensed premises.

(d) Except as provided in subsection (e), a beer dealer shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office. A beer dealer shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall a beer dealer be entitled to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. However, notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. 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.

(e) Unless a beer dealer is a grocery store or drug store, a beer 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. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages 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 Acts 1979, P.L.83, SEC.3; P.L.65-1990, SEC.1; P.L.106-1995, SEC.7; P.L.204-2001, SEC.27.

IC 7.1-3-5-4

Renewal or transfer of certain permits held before July 1, 2008

Sec. 4. (a) Notwithstanding IC 7.1-1-3-18.5, the commission may renew or transfer ownership of a beer dealer's permit for a beer dealer who:

(1) held a permit before July 1, 2008; and

(2) has a premises that does not qualify for a permit as a grocery store under IC 7.1-1-3-18.5.

(b) The commission may transfer ownership of a beer dealer's permit under this section only to an applicant who is the proprietor of:

(1) a drug store;

(2) a grocery store; or

(3) a package liquor store.

As added by P.L.94-2008, SEC.29.

IC 7.1-3-5-5

Reporting annual gross sales of food; confidential; department of state revenue; verification

Sec. 5. (a) As used in this section, "annual gross sales of food" refers to annual gross sales of food for human consumption that are exempt from the state gross retail tax.

(b) The holder of a permit issued to a grocery store that is generally known as a convenience store or food mart as described in IC 7.1-1-3-18.5(a)(2) shall report annually to the commission the amount of the permit holder's establishment's annual gross sales of food.

(c) An applicant who:

(1) is applying for a beer dealer's permit; and

(2) is the proprietor of a grocery store that is generally known as a convenience store or food mart as described in IC 7.1-1-3-18.5(a)(2);

shall report to the commission the amount of the applicant's establishment's annual gross sales of food.

(d) The information provided to the commission under subsections (b) and (c) regarding the amount of annual gross sales of food is confidential information and may not be disclosed to the public under IC 5-14-3. However, the commission may disclose the information:

(1) to the department of state revenue to verify the accuracy of the amount of annual gross sales of food reported to the commission under subsections (b) and (c); and

(2) in any administrative or judicial proceeding to revoke or suspend the holder's permit as a result of a discrepancy in the amount of annual gross sales discovered by the department of state revenue.

(e) The department of state revenue shall verify the accuracy of the reports provided to the commission under this section. The department of state revenue shall report to the commission any discrepancy that the department discovers between:

(1) the amount of annual gross sales of food that the permit holder has reported to the department; and

(2) the amount of annual gross sales of food that the permit holder has reported to the commission.

(f) Notwithstanding IC 6-8.1-7-1 or any other law, in fulfilling its obligations under this section, the department of state revenue may provide to the commission confidential information. The commission shall maintain the confidentiality of information provided by the department of state revenue under this section. However, the commission may disclose the information in any administrative or judicial proceeding to revoke or suspend the holder's permit as a result of a discrepancy discovered by the department of state revenue under subsection (e).

As added by P.L.94-2008, SEC.30.

IC 7.1-3-6

Chapter 6. Temporary, Dining Car, and Boat Beer Permits

IC 7.1-3-6-1

Temporary beer permits

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.73-1996, SEC.1.

IC 7.1-3-6-2

Persons eligible for permits

Sec. 2. Persons Eligible for Permits. The commission may issue a temporary beer permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in IC 1971, 7.1-3-4-2(c), (h), and (m), and the residency requirements provided in IC 1971, 7.1-3-21-3, shall not apply to an applicant for a temporary beer permit.

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

IC 7.1-3-6-3

Reasons for permit

Sec. 3. The commission may issue a temporary beer permit only to:

(1) enable a fair, athletic event, barbecue, picnic, wedding reception, convention, exhibition, spectacle or contest to be publicly held and carried on; or

(2) accommodate the institutional activities of an association, society, charitable or benevolent organization, or a branch of one (1) of these, or both.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.250-2003, SEC.9.

IC 7.1-3-6-3.5

Temporary beer permit; cities of 150,000 to 500,000; conditions; approval of mayor

Sec. 3.5. (a) This section applies to a temporary beer permit for the sale of beer within a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000).

(b) The commission may not issue a temporary beer permit to a person unless:

(1) the person meets all requirements for a temporary beer

permit under this chapter; and

(2) the mayor of the city in which the beer will be sold approves the issuance of the temporary beer permit.

(c) If a person asks the mayor to approve the issuance of a temporary beer permit, the mayor shall notify the commission of the mayor's decision to approve or disapprove the permit not later than fourteen (14) days after the person's request for approval.

(d) If the mayor does not approve or disapprove the request within the time required by subsection (c), the commission shall consider the request to be approved by the mayor.

As added by P.L.52-1992, SEC.4.

IC 7.1-3-6-3.6

Temporary beer permits; town parks

Sec. 3.6. (a) This section applies to a temporary beer permit for the sale of beer in a town park in a town having a population of less than ten thousand (10,000).

(b) The commission may not issue a temporary beer permit to a person unless:

(1) the person meets all of the requirements for a temporary beer permit under this chapter; and

(2) the town council:

(A) holds a public hearing on the request for a permit; and

(B) approves the issuance of the temporary beer permit.

(c) If a person asks a town council to approve the issuance of a temporary beer permit, the town clerk-treasurer shall notify the commission of the town council's decision to approve or disapprove the permit not later than thirty (30) days after the person's request for approval.

(d) If a person who applies for a temporary beer permit from the commission demonstrates to the satisfaction of the commission that no action was taken on the person's request by the town council under subsection (c), the commission shall consider the request to be approved by the town council.

As added by P.L.73-1996, SEC.2.

IC 7.1-3-6-4

Term of permit

Sec. 4. Term of Permit. The commission may issue a temporary beer permit for a term, to and including, fifteen (15) days from its issuance. However, if an emergency exists, in the judgment of the commission, a temporary beer permit may be renewed for a period not to exceed fifteen (15) additional days.

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

IC 7.1-3-6-5

Scope of permit

Sec. 5. Scope of Permit. The holder of a temporary beer permit shall be entitled to purchase and receive beer on any day of the year, only from a person who holds a brewer's permit, a beer wholesaler's

permit, or a beer dealer's permit at their respective places of business. A lawful supplier may sell and deliver beer to a temporary beer permit holder on any day of the year at his place of business. The holder of a temporary beer permit shall be entitled to sell beer only for consumption on the licensed premises, and shall be subject to the same restrictions as apply to the sale of beer by the holder of a beer retailer's permit. A temporary beer permittee shall not be entitled to sell at wholesale or for carry-out from the licensed premises.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-6-6
Dining car beer permits

Sec. 6. Dining Car Beer Permits. The commission may issue a dining car beer permit to a corporation that owns or operates a railroad as a public carrier. The commission also may issue a dining car permit to a person who owns, operates, or leases cars which are operated as part of a railroad train. A dining car beer permit may be issued without publication of notice or investigation before a local board but the issuance shall conform to any rules or regulations made by the commission. Dining car beer permits shall be issued at the rate of one (1) permit for a unit to consist of not more than five (5) dining and buffet cars.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-6-7
Scope of permit

Sec. 7. Scope of Permit. The holder of a dining car beer permit shall be entitled to bring into Indiana, for the purpose of service within its dining and buffet cars, sufficient beer for the accommodation of passengers riding on the train, when served by the drink only and to be consumed upon the premises, for the entire trip being made by the cars.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-6-8
Display of permit

Sec. 8. Display of Permit. The original dining car beer permit shall be kept displayed at the main Indiana office of the person to whom it was issued. A certificate of an officer or agent of the permittee stating that a dining car beer permit is in full force and effect for the car, or words to that effect, shall be kept displayed in each licensed dining and buffet car.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-6-9
Renewals

Sec. 9. Renewals. The holder of a dining car beer permit need not renew his permit annually. However, in order to keep the permit in force, the permittee must pay the annual license fee to the chairman on the anniversary date of the issuance of the original permit.

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

IC 7.1-3-6-10
Excise tax

Sec. 10. The holder of a dining car beer permit shall pay to the department the beer excise tax on the beer or flavored malt beverage withdrawn for sale within Indiana.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.6.) As amended by P.L.72-1996, SEC.6.

IC 7.1-3-6-11
Shipments by carrier

Sec. 11. Shipments by Carrier. Nothing contained in a dining car beer permit or the privileges accorded under it shall effect the provisions of this title in regard to the shipment of alcoholic beverages by a carrier for either a consignor, or a consignee, or both.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-6-12
Boat beer permits; application

Sec. 12. Boat Beer Permits: Application. The commission may issue a boat beer permit to the proprietor of a boat engaged in regular passenger service and which makes regular runs in seasonable weather between established termini.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-6-13
Prerequisites

Sec. 13. Prerequisites. The commission shall follow all the procedures for publication of notice and investigation before a local board as provided in IC 1971, 7.1-3-19, before it issues a boat beer permit. However, the publication and investigation shall be made in any county in this state where the particular boat usually docks.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-6-14
Scope of permit

Sec. 14. The holder of a boat beer permit may purchase beer, possess it, and sell it at retail for consumption only in the dining room of the boat described in the application. The permit holder may sell beer only in the course of a run and only one (1) hour before the boat embarks on the run.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.77-1988, SEC.2.

IC 7.1-3-6-15
Temporary boat beer permits

Sec. 15. Temporary Boat Beer Permits. The commission may issue a temporary boat beer permit to the proprietor of a boat under the same terms and conditions as are provided for the issuance of a

temporary beer permit. A temporary boat beer permit shall be applicable to the dining room of the boat only and may be issued only for an excursion voyage.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-6-16
Race track beer retailer permit

Sec. 16. (a) The commission may issue a beer retailer permit, either inside or outside corporate limits, to the proprietor of a race track that:

(1) meets the specifications of rules adopted by the commission; and

(2) is sanctioned by a nationally chartered and recognized racing organization.

(b) The scope of a permit issued under this section, including the times during which beer may be sold, shall be set by rules adopted by the commission.

(c) A permit issued under this section is exempt from IC 7.1-3-21-1 and IC 7.1-3-22-3. The permit is not transferable for ownership or location.
As added by P.L.106-1995, SEC.8.

IC 7.1-3-6.5

Chapter 6.5. Tracking of Beer Kegs

IC 7.1-3-6.5-1

"Keg" defined

Sec. 1. As used in this chapter, "keg" means a brewery sealed individual container of beer:

(1) destined for retail sale; and

(2) having a liquid capacity of at least seven and three-fourths (7 3/4) gallons.

As added by P.L.63-2002, SEC.1.

IC 7.1-3-6.5-2

"Person" defined

Sec. 2. As used in this chapter, "person" means a person who is not a permittee.

As added by P.L.63-2002, SEC.1.

IC 7.1-3-6.5-3

Marking of keg by permittee; identification marker requirements

Sec. 3. A permittee who sells a keg of beer for consumption at a place other than a licensed premises must place an identification marker on the keg at the time of sale. The commission shall prescribe the form of the identification marker. The identification marker must:

(1) enable the identification and tracking of the seller of beer;

(2) be removable or reusable when the keg is returned to the wholesaler for refilling; and

(3) contain other information that the commission requires.

As added by P.L.63-2002, SEC.1.

IC 7.1-3-6.5-4

Obligation of keg purchaser to sign receipt; receipt requirements

Sec. 4. A person who purchases a keg of beer for consumption at a place other than a licensed premises must sign a receipt for the keg. The commission shall prescribe a form for the receipt that:

(1) enables the identification and tracking of the purchaser of beer; and

(2) contains other information that the commission requires.

As added by P.L.63-2002, SEC.1.

IC 7.1-3-6.5-5

Failure of permittee to mark keg or obtain receipt; suspension of permit; civil penalties

Sec. 5. The commission may impose a civil penalty under IC 7.1-3-23-3 or suspend the permit of a permittee who sells a keg of beer for consumption at a place other than a licensed premises and who at the time of sale fails to:

(1) place an identification marker on the keg; or

(2) obtain a signed receipt from the purchaser.

As added by P.L.63-2002, SEC.1.

IC 7.1-3-6.5-6

Possession of keg without identification marker or with altered marker; providing false information on receipt

Sec. 6. A person who:

(1) possesses a keg of beer without an identification marker required under this chapter;

(2) possesses a keg of beer with an altered identification marker; or

(3) provides false information on a receipt required under this chapter;

commits a Class B infraction.

As added by P.L.63-2002, SEC.1.

IC 7.1-3-7

Chapter 7. Distillers' and Rectifiers' Permits

IC 7.1-3-7-1

Application

Sec. 1. Application. The commission may issue a distiller's permit to a person who desires to commercially manufacture liquor. The commission also may issue a rectifier's permit to a person who desires to rectify liquor.

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

IC 7.1-3-7-2

Persons eligible for permits

Sec. 2. Persons Eligible for Permits. The commission may issue a distiller's or a rectifier's permit to a domestic corporation, or a foreign corporation admitted to do business in this state, if the corporation is qualified to obtain the necessary permit or license from the United States to own or operate an establishment to manufacture or rectify liquor.

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

IC 7.1-3-7-3

Scope of permit

Sec. 3. Scope of Permit. The holder of a distiller's permit shall be entitled to manufacture liquor, to rectify it, and to bottle it. A distiller shall enjoy all the privileges accorded the holder of a rectifier's permit, but he shall not have to obtain a separate rectifier's permit nor pay an additional fee. A distiller shall be entitled to transport liquor and to sell and deliver it in shipments to points outside this state, or to the holder of a liquor wholesaler's permit, or to the holder of a rectifier's permit. A distiller may not sell liquor to a consumer, nor to a person for the purpose of having it retailed by him, whether that person holds a liquor retailer's permit under this title or not.

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

IC 7.1-3-7-4

Importation of alcohol by distiller

Sec. 4. Importation of Alcohol by Distiller. The holder of a distiller's permit also shall be entitled to import alcohol for use in the manufacture, preparation, or rectification of liquor or other substances that may be lawfully manufactured under his permit.

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

IC 7.1-3-7-5

Importation of liquor by distiller

Sec. 5. Importation of Liquor by Distiller. The holder of a distiller's permit also shall be entitled to import and sell within this state liquor fully manufactured outside this state and ready for marketing when imported. A distiller may sell imported liquor only to a person who holds a liquor wholesaler's permit, or to the holder

of a rectifier's permit, or to another distiller. A distiller may not sell imported liquor at retail nor to a retailer. A distiller also may sell and ship to a place outside this state, the liquor manufactured by another distiller under this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-7-6
Repealed
(Repealed by Acts 1978, P.L.51, SEC.8.)

IC 7.1-3-7-7
Scope of permit
Sec. 7. Scope of Permit. The holder of a rectifier's permit shall be entitled to rectify liquor and to bottle it. A rectifier shall be entitled to transport liquor and to sell and deliver it in shipments to points outside this state, or to the holder of a liquor wholesaler's permit. A rectifier may not sell liquor to a consumer, nor to a person for the purpose of having it retailed by him, whether that person holds a liquor retailer's permit under this title or not.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-7-8
Importation of alcohol by rectifier
Sec. 8. Importation of Alcohol by Rectifier. The holder of a rectifier's permit also shall be entitled to import alcohol for use in the preparation and rectification of liquor but not for sale as a finished product for beverage purposes. A rectifier shall not be entitled to import liquor for sale within this state intending to sell it without rectification by him, nor to sell it, directly or indirectly, as an agent or otherwise.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-7-9
Renewals
Sec. 9. Renewals. The holder of a distiller's or rectifier's permit shall pay the appropriate annual license fee to the chairman on the anniversary of the date of the issuance of the original permit in order to keep his distiller's or rectifier's permit in force.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-7.5

Chapter 7.5. Farm Winery Brandy Distiller's Permits

IC 7.1-3-7.5-1

"Brandy" defined

Sec. 1. As used in this chapter, "brandy" has the meaning set forth in IC 7.1-3-13-3.

As added by P.L.235-2001, SEC.1.

IC 7.1-3-7.5-2

Issuance of permit to farm winery permit holder

Sec. 2. The commission may issue a farm winery brandy distiller's permit to a person who holds a farm winery permit under IC 7.1-3-12 and who desires to commercially manufacture brandy.

As added by P.L.235-2001, SEC.1.

IC 7.1-3-7.5-3

Permitted activities

Sec. 3. (a) The holder of a farm winery brandy distiller's permit may do the following:

(1) Manufacture brandy.

(2) Rectify brandy.

(3) Bottle brandy.

(4) Use brandy that it has manufactured for the purpose of producing fortified wine.

(5) Sell, transport, and deliver brandy that it has manufactured to other wineries.

(6) Sell at retail on the permitted premises to consumers by the glass or by the bottle, or both, brandy that it has manufactured.

(b) Upon the approval of the commission, a holder of a farm winery brandy distiller's permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the farm winery brandy distillery. At the additional locations, the holder of the permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of brandy.

As added by P.L.235-2001, SEC.1. Amended by P.L.165-2006, SEC.20.

IC 7.1-3-7.5-4

Quantity produced

Sec. 4. Except as provided in section 5 of this chapter, the holder of a farm winery brandy distiller's permit may produce not more than ten thousand (10,000) gallons of brandy in a calendar year.

As added by P.L.235-2001, SEC.1.

IC 7.1-3-7.5-5

Brandy sold through wholesaler not counted toward gallonage limit

Sec. 5. Brandy produced by the holder of a farm winery brandy

distiller's permit that is sold through a wholesaler licensed under IC 7.1-3-8 is not counted toward the gallonage limit established in section 4 of this chapter.
As added by P.L.235-2001, SEC.1.

IC 7.1-3-7.5-6
License fee

Sec. 6. The holder of a farm winery brandy distiller's permit must pay the appropriate annual license fee to the commission on the anniversary of the date of the issuance of the original permit to keep a brandy distiller's permit in force.
As added by P.L.235-2001, SEC.1.

IC 7.1-3-8

Chapter 8. Liquor Wholesalers' Permits

IC 7.1-3-8-1

Application

Sec. 1. Application. The commission may issue a liquor wholesaler's permit to a person who desires to sell liquor at wholesale.

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

IC 7.1-3-8-2

Premises described in application

Sec. 2. Premises Described in Application. The premises to be used by an applicant for a liquor wholesaler's permit shall be described in the application for the permit and in the permit if it is issued. A liquor wholesaler shall not be entitled to keep or store liquor at a place other than the premises described in the application and the permit.

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

IC 7.1-3-8-3

Scope of permit

Sec. 3. (a) The holder of a liquor wholesaler's permit shall be entitled to sell liquor at wholesale.

(b) A liquor wholesaler shall be entitled to purchase liquor within this state from a person who holds an artisan distiller's permit, a distiller's permit, a rectifier's permit, or a liquor wholesaler's permit. A liquor wholesaler also may purchase liquor outside this state from the primary source of supply and, from that source, may transport and import liquor into this state.

(c) A liquor wholesaler may sell, transport, and deliver liquor only to a person who, under this title, holds a:

(1) liquor retailer's permit;
(2) supplemental caterer's permit;
(3) liquor dealer's permit; or
(4) liquor wholesaler's permit.

The sale, transportation, and delivery of liquor shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, and only in permissible containers and is subject to the rules of the commission fixing the quantity which may be sold or delivered at any one (1) time.

(d) A liquor wholesaler's bona fide regular employees may purchase liquor from the wholesaler in an amount not to exceed eighteen (18) liters.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.60, SEC.4; Acts 1974, P.L.25, SEC.3.) As amended by P.L.57-1984, SEC.7; P.L.224-2005, SEC.6; P.L.94-2008, SEC.31; P.L.109-2013, SEC.3.

IC 7.1-3-9

Chapter 9. Liquor Retailers' Permits

IC 7.1-3-9-1

Application

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

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

IC 7.1-3-9-2

Local jurisdiction limited

Sec. 2. A liquor retailer's permit may be issued under the provisions of this title for premises situated in a city having a population of at least five thousand (5,000). A city or town legislative body, or an officer of one (1) of them, shall have no power or jurisdiction to regulate the sale of, traffic in, or transportation of alcoholic beverages, or to levy a tax, fee, license fee, or to issue or require a license to be issued by it or its officer or agent in respect to alcoholic beverages.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.8-1989, SEC.36.

IC 7.1-3-9-3

Small city exception

Sec. 3. The legislative body of a city or town that has a population of less than five thousand (5,000) shall have the power and jurisdiction to enact an enabling ordinance consenting that liquor retailer's permits may be issued to applicants in respect to premises located within the city or town.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.8-1989, SEC.37.

IC 7.1-3-9-4

Enabling ordinance

Sec. 4. Enabling Ordinance. The enabling ordinance authorized by IC 1971, 7.1-3-9-3, shall be a general ordinance containing no conditions, exceptions or limitations. The enabling ordinance, after it has been duly enacted, may not be altered, amended, or repealed for a period of two (2) years and sixty (60) days after the date of its enactment. During the period of the two (2) years and sixty (60) days from the enactment of the enabling ordinance consenting to the issuance of liquor retailer's permits, no other ordinance on the subject may be enacted.

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

IC 7.1-3-9-5

Repeal of ordinance; continuance of operations

Sec. 5. Repeal of Ordinance: Continuance of Operations. The holder of a liquor retailer's permit issued prior to the repeal,

amendment, or expiration of an enabling ordinance authorized by IC 1971, 7.1-3-9-3, may continue to operate under his permit, during the time that his permit is in force, for a period of ninety (90) days after the enactment of a conflicting ordinance or the repeal of the original ordinance unless the sale of alcoholic beverages again becomes lawful by the enactment of another enabling ordinance, in which case he may continue to operate under his permit during the unexpired term of it.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-9-6
Certain local ordinances proscribed

Sec. 6. Certain Local Ordinances Proscribed. A city or town shall not enact an ordinance which in any way, directly or indirectly, regulates, restricts, enlarges, or limits the operation or business of the holder of a liquor retailer's permit as provided in this title. A city or town shall not enact an ordinance covering any other business or place of business for the conduct of it in such a way as to prevent or inhibit the holder of a liquor retailer's permit from being qualified to obtain or continue to hold the permit, or operate to interfere with or prevent the exercise of the permittee's privileges under the permit.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-9-7
Ordinances sent to commission

Sec. 7. Ordinance Sent to Commission. The city clerk or town clerk of a city or town in which an ordinance proscribed by IC 1971, 7.1-3-9-6, has been enacted, shall, immediately upon the enactment, certify a copy of the ordinance and mail it by registered mail to the commission. The commission, out of its expenses, shall pay the clerk one dollar ($1.00), for his services in the matter.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-9-8
Three-way permits

Sec. 8. Three-Way Permits. The commission may issue a liquor retailer's permit only to a person who also is, and continues to be, the holder of both a beer retailer's permit and a wine retailer's permit. However, applications for each of the three (3) types of permits may be made at the same time or in one (1) application combining requests for each of the three (3) types of permits. The publication of the notice of the applications may be combined, in any case, if the applications are pending simultaneously. The notices also may be combined in one (1) publication with notices of the application of other applicants for a permit.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-9-9
Scope of permit

Sec. 9. (a) The holder of a liquor retailer's permit shall be entitled

to purchase liquor only from a permittee entitled to sell to him under this title. A liquor retailer shall be entitled to possess liquor and sell it at retail to a customer for consumption on the licensed premises. A liquor retailer also shall be entitled to sell liquor to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A liquor retailer shall not be entitled to sell liquor at wholesale. He shall not be entitled to sell and deliver liquor on the street or at the curb outside the licensed premises, nor shall he be entitled to sell liquor at a place other than the licensed premises. However, a liquor retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A liquor retailer shall not be entitled to sell and deliver liquor for carry out, or for at-home delivery, in a quantity that exceeds four (4) quarts at any one (1) time.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.112-1987, SEC.6.

IC 7.1-3-9-9.5

Limitation of sales; fees; clubs; discrimination

Sec. 9.5. (a) Notwithstanding any other law, a liquor retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A liquor retailer may call the annual fee described in subsection (a) a membership fee.

(c) A liquor retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a liquor retailer to discriminate among persons on the basis of race, sex, age, or religion when selecting persons to have access to the retailer's facilities and services.

As added by P.L.73-1991, SEC.2.

IC 7.1-3-9-10

High and fine reputation

Sec. 10. High and Fine Reputation. The commission may issue a liquor retailer's permit only to a high grade club, restaurant, or hotel, which has a high and fine reputation for decency and law obedience. In no case shall a liquor retailer's permit be issued or stand unrevoked if the owner, manager, or management of the establishment is not a person of strict integrity and high repute, or if the premises have been padlocked.

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

IC 7.1-3-9-11

Sampling alcoholic beverages on liquor retailer's premises

Sec. 11. (a) A liquor retailer 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 only:

(1) on the liquor retailer's permit premises; and
(2) during the permittee's regular business hours.

(c) A liquor retailer may not charge for the samples provided to customers.

(d) Sample size of wines may not exceed one (1) ounce.

(e) In addition to the other provisions of this section, a liquor retailer who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:

(1) A liquor retailer may allow a customer to sample only 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.12-1999, SEC.1. Amended by P.L.72-2004, SEC.7; P.L.94-2008, SEC.32.

IC 7.1-3-9-12

Alcoholic beverage self-service in suites

Sec. 12. (a) This section applies to:

(1) the holder of a three-way permit that is issued to a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(c)(2), or a convention center; or
(2) the holder of a catering permit while catering alcoholic beverages at a civic center, a sports arena, a stadium, an exhibition hall, an auditorium, a theater, a tract that contains a premises that is described in IC 7.1-3-1-14(c)(2), or a convention center.

(b) As used in this section, "suite" means an area in a building or facility referred to in subsection (a) that:

(1) is not accessible to the general public;
(2) has accommodations for not more than seventy-five (75) persons per suite; and
(3) is accessible only to persons who possess a ticket:
    (A) to an event in a building or facility referred to in subsection (a); and

(B) that entitles the person to occupy the area while viewing the event described in clause (A).

The term does not include a restaurant, lounge, or concession area, even if access to the restaurant, lounge, or concession area is limited to certain ticket holders.

(c) A permittee may allow the self-service of individual servings of alcoholic beverages in a suite.

(d) A person who:

(1) possesses a ticket described in subsection (b)(3); and

(2) is at least twenty-one (21) years of age;

may obtain an alcoholic beverage in a suite by self-service.

(e) A permittee may do any of the following:

(1) Demand that a person occupying a suite provide:

(A) a written statement under IC 7.1-5-7-4; and

(B) identification indicating that the person is at least twenty-one (21) years of age.

(2) Supervise the self-service of alcoholic beverages.

(3) Have an employee in the suite who holds an employee permit under IC 7.1-3-18-9 to serve some or all of the alcoholic beverages.

As added by P.L.72-2004, SEC.8.

IC 7.1-3-9.5

Chapter 9.5. Supplemental Caterers' Permits

IC 7.1-3-9.5-1

Application

Sec. 1. Application. The commission may issue a supplemental caterer's permit only to a person who is, and continues to be, the holder of a three-way permit and who desires to sell, on a temporary basis only, alcoholic beverages for on premise consumption at locations other than his licensed premises.

(Formerly: Acts 1974, P.L.25, SEC.1.)

IC 7.1-3-9.5-2

Notices

Sec. 2. (a) The holder of a supplemental caterer's permit shall notify the commission in writing fifteen (15) days in advance of each function that the permittee intends to cater with alcoholic beverages. The commission may waive the fifteen (15) day notice period required under this subsection, but may not waive the requirement for filing notice.

(b) The notice shall include the following:

(1) The date, time, and location of the function to be catered.

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

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

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

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

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

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

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

(Formerly: Acts 1974, P.L.25, SEC.1.) As amended by P.L.51-1994,

SEC.4.

IC 7.1-3-9.5-3
Scope of permit

Sec. 3. Scope of Permit. The holder of a supplemental caterer's permit is entitled to purchase alcoholic beverages only from a permittee entitled to sell to him under this title. The holder of a supplemental caterer's permit is entitled to sell alcoholic beverages only for on premise consumption at those locations approved by the commission and at times lawful under his retailers' permits. The holder of a supplemental caterer's permit is not entitled to sell alcoholic beverages at wholesale, nor for carry-out or at-home delivery.

(Formerly: Acts 1974, P.L.25, SEC.1.)

IC 7.1-3-9.5-4
Nature of permit

Sec. 4. Nature of Permit. A supplemental caterer's permit, for the purposes of this title, shall be considered a separate and distinct type of retailer's permit. It shall not affect the rights, privileges, and restrictions applicable to any other type of retailer's permit. The rights, privileges, and restrictions provided in this title for a supplemental caterer's permit apply only to this type of permit.

(Formerly: Acts 1974, P.L.25, SEC.1.)

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

(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.

IC 7.1-3-11

Chapter 11. Dining Car, Airplane, and Boat Liquor Permits

IC 7.1-3-11-1

Dining car liquor permits

Sec. 1. Dining Car Liquor Permits. The commission may issue a dining car liquor permit to a corporation that is entitled to obtain a dining car beer permit under this title. The commission shall issue a dining car liquor permit in the same manner that a dining car beer permit is issued under this title. The commission shall not issue a dining car liquor permit to a corporation unless the corporation also is the holder of a dining car beer permit and a dining car wine permit. However, applications for each of the three (3) types of permits may be made at the same time.

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

IC 7.1-3-11-2

Scope of permit

Sec. 2. Scope of Permit. The restrictions, limitations, and provisions governing the sale of beer under a dining car beer permit shall apply to the possession, transportation, sale, delivery and service of liquor under a dining car liquor permit.

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

IC 7.1-3-11-3

Display of permit

Sec. 3. Display of Permit. The original dining car liquor permit shall be kept displayed at the main Indiana office of the corporation. A certificate of an officer or agent of the permittee stating that a dining car liquor permit is in full force and effect for the car, or words to that effect, shall be kept displayed in each licensed dining and buffet car.

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

IC 7.1-3-11-4

Renewals

Sec. 4. Renewals. The holder of a dining car liquor permit need not renew his permit annually. However, in order to keep the permit in force, the permittee must pay the annual license fee to the chairman on the anniversary date of the issuance of the original permit.

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

IC 7.1-3-11-5

Excise tax

Sec. 5. Excise Tax. The holder of a dining car liquor permit shall pay to the department the liquor excise tax on the liquor withdrawn for sale within the state.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.7.)

IC 7.1-3-11-6
Shipments by carrier

Sec. 6. Shipments by Carrier. Nothing contained in a dining car liquor permit or the privileges accorded under it shall effect the provisions of this title in regard to the shipment of alcoholic beverages by a carrier for either a consignor, or a consignee, or both.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-11-7
Repealed

(Repealed by Acts 1978, P.L.51, SEC.8.)

IC 7.1-3-11-8
Repealed

(Repealed by Acts 1978, P.L.51, SEC.8.)

IC 7.1-3-11-9
Boat liquor permits

Sec. 9. Boat Liquor Permits. The commission may issue a boat liquor permit to a person who is the proprietor of a boat and who is, and continues to be, the holder of a boat beer permit and boat wine permit. The commission may issue a boat liquor permit without publication of notice or having an investigation before a local board.
As added by Acts 1976, P.L.24, SEC.2.

IC 7.1-3-11-10
Scope of permit

Sec. 10. Scope of Permit. The holder of a boat liquor permit shall enjoy the same privileges and be subject to the same conditions, restrictions, and limitations in regard to liquor under his permit as is provided in the case of the holder of a boat beer permit in regard to beer under his permit.
As added by Acts 1976, P.L.24, SEC.3.

IC 7.1-3-12

Chapter 12. Vintners' and Farm Winery Permits

IC 7.1-3-12-1

Application

Sec. 1. Application. The commission may issue a vintner's permit to a person who desires to commercially manufacture wine.

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

IC 7.1-3-12-2

Scope of permit

Sec. 2. Scope of Permit. The holder of a vintner's permit is entitled to manufacture wine and to bottle it or place it in other containers. He also is entitled to transport wine and either to sell it, or deliver it, or both, in shipments to points outside this state, and to a wine wholesaler, and to another vintner. A vintner is not entitled to rectify or fortify wine unless he is also the holder of either a distiller's permit, or a rectifier's permit, or both. A vintner is not entitled to sell to a consumer or to a permittee who sells wine at retail. A vintner is entitled to advertise the name and address of any retailer or dealer who sells wine produced by his winery.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.71, SEC.1.)

IC 7.1-3-12-3

Farm winery permit

Sec. 3. The commission may issue a farm winery permit to a person who:

(1) is the proprietor of a farm winery;
(2) desires to commercially manufacture wine; and
(3) is either:
  (A) an individual; or
  (B) a partnership, limited liability company, or corporation domiciled in or admitted to do business in Indiana.

A farm winery permit shall be valid from July 1, of the then current year to June 30, of the following year. IC 7.1-3-21-5 does not apply to a farm winery permit issued under this chapter.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.36-1999, SEC.1; P.L.201-1999, SEC.2; P.L.14-2000, SEC.24; P.L.165-2006, SEC.21.

IC 7.1-3-12-4

Farm winery; general requirements

Sec. 4. In order to be considered a "farm winery" within the meaning of this title and to be eligible to receive a farm winery permit, a wine-making establishment shall not annually sell more than one million (1,000,000) gallons of wine in Indiana, excluding wine shipped to an out-of-state address.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1977, P.L.93, SEC.1; Acts 1978, P.L.53, SEC.1; P.L.201-1999, SEC.3; P.L.165-2006, SEC.22; P.L.54-2008, SEC.2.

IC 7.1-3-12-5
Scope of farm winery permit

Sec. 5. (a) The holder of a farm winery permit:

(1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;

(2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:

(A) holds an employee permit under IC 7.1-3-18-9; and

(B) completes a server training program approved by the commission;

(3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;

(4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;

(5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at wholesale;

(6) is exempt from the provisions of IC 7.1-3-14;

(7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;

(8) for wine described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the wine on the licensed premises; and

(B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;

(9) is entitled to purchase and sell bulk wine as set forth in this chapter;

(10) is entitled to sell wine as authorized by this section for carryout on Sunday; and

(11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may, individually or with other permit holders under this chapter, participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.71, SEC.2.) As amended by P.L.85-1985, SEC.7; P.L.74-1996, SEC.1;

P.L.201-1999, SEC.4; P.L.177-1999, SEC.7; P.L.235-2001, SEC.2; P.L.41-2002, SEC.2; P.L.224-2005, SEC.7; P.L.165-2006, SEC.23; P.L.186-2011, SEC.4.

IC 7.1-3-12-6
Repealed

(Repealed by P.L.165-2006, SEC.41.)

IC 7.1-3-12-7
Bulk wine purchases by farm winery

Sec. 7. (a) Except as provided in subsection (b), a farm winery may purchase annually a quantity of bulk wine that does not exceed the greater of the following:

(1) Five thousand five hundred (5,500) gallons.

(2) Fifty percent (50%) of the quantity of wine produced by fermentation by the winery during the previous year.

(b) This subsection applies to a farm winery that suffers a loss of wine inventory due to natural or manmade disaster. If the farm winery documents the inventory loss and obtains permission from the commission, the winery may purchase a quantity of bulk wine not greater than the sum of the following:

(1) The quantity of the winery's wine inventory loss.

(2) The quantity of bulk wine that may be purchased by the farm winery annually under subsection (a).

As added by P.L.41-2002, SEC.3.

IC 7.1-3-13

Chapter 13. Wine Wholesalers' and Bottlers' Permits

IC 7.1-3-13-1

Wine wholesalers' permit; issuance

Sec. 1. (a) The commission may issue a wine wholesaler's permit to sell wine, or wine and brandy, at wholesale to a person who:

(1) notwithstanding IC 7.1-5-9-4, holds a beer wholesaler's permit;

(2) holds a liquor wholesaler's permit; or

(3) does not hold an alcoholic beverage wholesaler's permit, but meets the qualifications to hold either a beer or a liquor wholesaler's permit.

(b) The holder of a wine wholesaler's permit under subsection (a)(1) or (a)(2):

(1) is considered the same as a person who holds a wine wholesaler's permit under subsection (a)(3) for purposes of conducting activities and operations under the wine wholesaler's permit; and

(2) may operate the beer or liquor wholesale business independently of the wine wholesale business.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.101-1983, SEC.1; P.L.112-1987, SEC.7.

IC 7.1-3-13-2

Repealed

(Repealed by P.L.112-1987, SEC.10.)

IC 7.1-3-13-2.5

Wine wholesalers; premises description required; wine storage; wholesaler business on farm winery or brandy distiller premises; goods and services provided by farm winery or brandy distiller

Sec. 2.5. All premises to be used by an applicant for a wine wholesaler's permit must be described in the application for the permit and in the permit, if the permit is issued. A wine wholesaler may not keep or store wine at any place other than the premises described in the wine wholesaler's application and permit. A person who holds a wine wholesaler's permit and who also holds a beer wholesaler's permit is not disqualified from using multiple premises for the storage of wine because the person holds a beer wholesaler's permit. The holder of a wine wholesaler's permit described in IC 7.1-4-4.1-13(c) may enter into an agreement to:

(1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or

(2) use goods and services provided by a farm winery or a farm winery brandy distiller;

or both.

As added by P.L.85-1985, SEC.8. Amended by P.L.165-2006, SEC.24; P.L.186-2011, SEC.5; P.L.70-2014, SEC.1.

IC 7.1-3-13-3
Scope of permit; brandy

Sec. 3. (a) The holder of a wine wholesaler's permit may purchase, import, and transport wine, brandy, or flavored malt beverage from the primary source of supply. A wine wholesaler may export and transport wine, brandy, or flavored malt beverage by the bottle, barrel, cask, or other container, to points outside Indiana. A wine wholesaler is entitled to sell, furnish, and deliver wine or flavored malt beverage from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery to a wine wholesaler, a wine retailer, a supplemental caterer, a temporary wine permittee, and a wine dealer, but not at retail. A wine wholesaler may sell, furnish, and deliver brandy from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, but not at retail, only to a person who holds a liquor retailer's permit, a supplemental caterer's permit, or a liquor dealer's permit. A holder of a wine wholesaler's permit may sell wine to the wine wholesaler's bona fide regular employees.

(b) As used in this section, "brandy" means:

(1) any alcoholic distillate described in 27 CFR 5.22(d) as in effect on January 1, 1983; or

(2) a beverage product that:

(A) is prepared from a liquid described in subdivision (1);

(B) is classified as a cordial or liqueur as defined in 27 CFR 5.22(h) as in effect on January 1, 1997; and

(C) meets the following requirements:

(i) At least sixty-six and two-thirds percent (66 2/3%) of the product's alcohol content is composed of a substance described in subdivision (1).

(ii) The product's label makes no reference to any distilled spirit other than brandy.

(iii) The product's alcohol content is not less than sixteen percent (16%) by volume or thirty-two (32) degrees proof.

(iv) The product contains dairy cream.

(v) The product's sugar, dextrose, or levulose content is at least twenty percent (20%) of the product's weight.

(vi) The product contains caramel coloring.

(c) Nothing in this section allows a wine wholesaler to sell, give, purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless the wine wholesaler also holds a beer wholesaler's permit under IC 7.1-3-3-1.

(d) A wine wholesaler that also holds a liquor wholesaler's permit under IC 7.1-3-8 may not:

(1) hold a beer wholesaler's permit under IC 7.1-3-3;

(2) possess, sell, or transport beer; or

(3) sell more than one million (1,000,000) gallons of flavored malt beverage during a calendar year.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.60, SEC.5; Acts 1974, P.L.25, SEC.4.) As amended by P.L.101-1983, SEC.2; P.L.57-1984, SEC.10; P.L.72-1996, SEC.9; P.L.75-1997, SEC.1;

P.L.224-2005, SEC.8; P.L.165-2006, SEC.25.

IC 7.1-3-13-3.5
Requirements to sell wine purchased from estate sale; immunity from product liability

Sec. 3.5. (a) A wine wholesaler may sell wine purchased from an estate sale only if the following requirements are met:

(1) The primary source of the wine sold at auction:

(A) is authorized to sell wine in Indiana on the date the wine is resold by the wholesaler;

(B) is given notice of the purchase by the wine wholesaler; and

(C) authorizes the wine wholesaler to resell the wine purchased.

(2) The seller of wine at auction is a bona fide estate of an Indiana decedent.

(3) Each wine bottle is affixed with a sticker indicating that the wine was purchased from an estate.

(b) The notice given to the primary source under subsection (a)(1) must include the following information:

(1) The name of the seller.

(2) The amount of the product purchased and the sale price at auction.

(3) The vintage of the wine purchased.

(c) A wholesaler is not liable for product liability for wine that the wholesaler sells from an estate auction purchase.

As added by P.L.94-2008, SEC.34.

IC 7.1-3-13-4
Wine bottlers' permit; application

Sec. 4. Wine Bottlers' Permit: Application. The commission may issue a wine bottler's permit to a person who desires to commercially bottle wine.

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

IC 7.1-3-13-5
Persons eligible for permits

Sec. 5. Persons Eligible for Permits. The commission shall not issue a wine bottler's permit to a person who is the holder of wine wholesaler's permit, a beer wholesaler's permit, or a liquor wholesaler's permit. A person shall be eligible to hold additional wine bottler's permits upon payment of the proper additional annual license fees.

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

IC 7.1-3-13-6
Scope of permit

Sec. 6. Scope of Permit. The holder of a wine bottler's permit shall be entitled to import and transport wine from another state, or country, into this state. He shall be entitled to export and transport

wine, by the bottle, barrel, cask, or other container, to points outside this state. A wine bottler shall have the exclusive right to bottle, to label, or both, with his own private label, or another label authorized by its owner, or to place wine in containers different from those in which the wine was imported into this state. Within this state, the holder of a wine bottler's permit shall be entitled to sell, furnish, and deliver wine only to a wine wholesaler, and shall be specifically prohibited from selling, furnishing, and delivering wine to a wine retailer or a wine dealer. Further, he shall not be entitled to sell wine at retail.

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

IC 7.1-3-14

Chapter 14. Wine Retailers' Permits

IC 7.1-3-14-1

Application

Sec. 1. Application. The commission may issue a wine retailer's permit to a person who desires to sell wine or flavored malt beverages for consumption on the licensed premises.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.72-1996, SEC.10.

IC 7.1-3-14-2

Prerequisites

Sec. 2. Prerequisites. The commission may issue or refuse a wine retailer's permit, in its discretion, with or without requiring an investigation before a local board. However, publication of notice need not be given if the commission does require an investigation before a local board.

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

IC 7.1-3-14-3

Persons eligible for permits

Sec. 3. Persons Eligible for Permits. The commission may issue a wine retailer's permit only to the following:

(a) A person who is not the holder of, nor an applicant for, any other permit and who is not disqualified under the special disqualifications and who operates a restaurant patronized by customers who are likely to consume table wine with their meals;

(b) A person who is the holder of a beer retailer's permit; or,

(c) A person who is the holder of a liquor retailer's permit.

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

IC 7.1-3-14-4

Scope of permit

Sec. 4. (a) The holder of a wine retailer's permit is entitled to purchase wine only from a permittee entitled to sell to the wine retailer under this title. A wine retailer is entitled to possess wine and sell it at retail to a customer for consumption on the licensed premises. A wine retailer is also entitled to sell wine to a customer and deliver it in permissible containers to the customer on the licensed premises or to the customer's house.

(b) A wine retailer is not entitled to sell wine at wholesale. A wine retailer is not entitled to sell and deliver wine on the street or at the curb outside the licensed premises, nor is the wine retailer entitled to sell wine at a place other than the licensed premises. However, a wine retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A wine retailer is entitled to sell and deliver wine for carry out, or for at-home delivery.

As added by P.L.112-1987, SEC.8.

IC 7.1-3-14-5
Limitation of sales; fees; clubs; discrimination

Sec. 5. (a) Notwithstanding any other law, a wine retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A wine retailer may call the annual fee described in subsection (a) a membership fee.

(c) A wine retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a wine retailer to discriminate among persons on the basis of race, sex, age, or religion when selecting persons to have access to the retailer's facilities and services.

As added by P.L.73-1991, SEC.3.

IC 7.1-3-14-6
Issuance to proprietor of race track having beer retailer permit

Sec. 6. (a) The commission may issue a wine retailer permit, either inside or outside corporate limits, to a person who holds a beer retailer permit under IC 7.1-3-6-16 and who is the proprietor of a race track that:

(1) meets the specifications of rules adopted by the commission; and

(2) is sanctioned by a nationally chartered and recognized racing organization.

(b) The scope of a permit issued under this section, including the times during which beer may be sold, shall be set by rules adopted by the commission.

(c) A permit issued under this section is exempt from IC 7.1-3-21-1 and IC 7.1-3-22-3. The permit is not transferable for ownership or location.

As added by P.L.106-1995, SEC.10.

IC 7.1-3-14-7
Wine sampling

Sec. 7. (a) A wine retailer may allow customers to sample wines.

(b) Sampling is permitted:

(1) only on the wine retailer's permit premises; and

(2) only during the permittee's regular business hours.

(c) A wine retailer may not charge for the samples provided to the customers.

(d) Sample size may not exceed one (1) ounce.

As added by P.L.12-1999, SEC.3.

IC 7.1-3-15

Chapter 15. Wine Dealers' Permits

IC 7.1-3-15-1

Application

Sec. 1. Application. The commission may issue a wine dealer's permit to a person who desires to sell wine or flavored malt beverages for consumption off the licensed premises.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.72-1996, SEC.11.

IC 7.1-3-15-2

Persons eligible for permits

Sec. 2. Persons Eligible for Permits. The commission may issue a wine dealer's permit only to the following:

(a) A person who is the holder of a beer dealer's permit; or,

(b) A person who is the holder of a liquor dealer's permit.

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

IC 7.1-3-15-3

Scope of permit

Sec. 3. (a) The holder of a wine dealer's permit shall be entitled to purchase wine only from a permittee who is authorized to sell to a wine dealer under this title. A wine dealer shall be entitled to sell wine for consumption off the licensed premises only and not by the drink.

(b) A wine dealer shall be entitled to sell wine in permissible containers in a quantity of not more than three (3) standard cases, as determined under the rules of the commission, in a single transaction. However, a wine dealer who is licensed under IC 7.1-3-10-4 may possess wine and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(c) Unless a wine dealer is a grocery store or drug store, a wine 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. A wine dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a person who is outside the licensed premises.

(d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may deliver wine only 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.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.65-1990, SEC.3; P.L.106-1995, SEC.11; P.L.204-2001, SEC.29; P.L.41-2002, SEC.4.

IC 7.1-3-16

Chapter 16. Dining Car, Boat, and Temporary Wine Permits

IC 7.1-3-16-1

Dining car wine permits

Sec. 1. Dining Car Wine Permits. The commission may issue a dining car wine permit to a person who is the holder of, or who is capable of receiving, a dining car beer permit.

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

IC 7.1-3-16-2

Display of permit

Sec. 2. Display of Permit. The original dining car wine permit shall be kept displayed at the main Indiana office of the permittee. A certificate of an officer or agent of the permittee stating that a dining car wine permit is in full force and effect for the car, or words to that effect, shall be kept displayed in each licensed dining and buffet car.

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

IC 7.1-3-16-3

Boat wine permits

Sec. 3. Boat Wine Permits. The commission may issue a boat wine permit to a person who is the proprietor of a boat and who also is, and continues to be, the holder of a boat beer permit. The commission may issue a boat wine permit without publication of notice or having an investigation before a local board.

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

IC 7.1-3-16-4

Scope of permit

Sec. 4. Scope of Permit. The holder of a boat wine permit shall enjoy the same privileges and be subject to the same conditions, restrictions, and limitations in regard to wine under his permit as is provided in the case of the holder of boat beer permit in regard to beer under his permit.

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

IC 7.1-3-16-5

Temporary wine permits

Sec. 5. Subject to section 5.5 of this chapter, the commission may issue a temporary wine permit without publication of notice or investigation before a local board to a qualified person as provided in this chapter. In all other respects, a temporary wine permit shall be issued, revoked, and governed by the restrictions and limitations made in a provisional order or rule or regulation of the commission.

(Formerly: Acts 1973, P.L.59, SEC.1.) As amended by P.L.73-1996, SEC.3.

IC 7.1-3-16-5.5

Temporary wine permits; town parks

Sec. 5.5. (a) This section applies to a temporary wine permit for the sale of wine in a town park in a town having a population of less than ten thousand (10,000).

(b) The commission may not issue a temporary wine permit to a person unless:

(1) the person meets all of the requirements for a temporary wine permit under this chapter; and

(2) the town council:

(A) holds a public hearing on the request for a permit; and

(B) approves the issuance of the temporary wine permit.

(c) If a person asks a town council to approve the issuance of a temporary wine permit, the town clerk-treasurer shall notify the commission of the town council's decision to approve or disapprove the permit not later than thirty (30) days after the person's request for approval.

(d) If a person who applies for a temporary wine permit from the commission demonstrates to the satisfaction of the commission that no action was taken on the person's request by the town council under subsection (c), the commission shall consider the request to be approved by the town council.

As added by P.L.73-1996, SEC.4.

IC 7.1-3-16-6

Persons eligible for permits

Sec. 6. Persons Eligible for Permits. The commission may issue a temporary wine permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in IC 1971, 7.1-3-4-2(c), (h), and (m), and the residency requirements provided in IC 1971, 7.1-3-21-3, shall not apply to an applicant for a temporary wine permit.

(Formerly: Acts 1973, P.L.59, SEC.2.)

IC 7.1-3-16-7

Reasons for permits

Sec. 7. Reasons for Permits. The commission may issue a temporary wine permit only to (a) Enable a fair, festival, athletic event, barbecue, picnic, convention, exhibition, spectacle, or contest, to be publicly held and carried on; or

(b) Accommodate the institutional activities of an association, society, charitable or benevolent organization, or a branch of one (1) of these, or both.

(Formerly: Acts 1973, P.L.59, SEC.3.)

IC 7.1-3-16-8

Term of permit

Sec. 8. Term of Permit. The commission may issue a temporary wine permit for a term, to and including, fifteen (15) days from its issuance. However, if an emergency exists, in the judgment of the

commission, a temporary wine permit may be renewed for a period not to exceed fifteen (15) additional days.
(Formerly: Acts 1973, P.L.59, SEC.4.)

IC 7.1-3-16-9
Scope of permit

Sec. 9. Scope of Permit. The holder of a temporary wine permit shall be entitled to purchase and receive wine on any day of the year, only from a lawful supplier under this title at his place of business. A lawful supplier may sell and deliver wine to a temporary wine permit holder on any day of the year at his place of business. The holder of a temporary wine permit shall be entitled to sell wine only for consumption on the licensed premises, and shall be subject to the same restrictions as apply to the sale of beer by the holder of a temporary beer permit. A temporary wine permittee shall not be entitled to sell at wholsale nor for carry-out from the licensed premises.
(Formerly: Acts 1973, P.L.59, SEC.5.)

IC 7.1-3-16.5
Repealed

(Repealed by P.L.224-2005, SEC.34.)

IC 7.1-3-17
Repealed

(Repealed by Acts 1978, P.L.51, SEC.8.)

IC 7.1-3-17.5

Chapter 17.5. Excursion and Adjacent Landsite Permit

IC 7.1-3-17.5-1

Issuance of permit

Sec. 1. (a) The commission may issue a gaming site permit to a person who has been issued:

(1) a riverboat owner's license under IC 4-33-6;

(2) an operating agent contract under IC 4-33-6.5; or

(3) a gambling game license under IC 4-35;

to sell alcoholic beverages for on-premises consumption only. The permit may be a single permit even though more than one (1) area constitutes the licensed premises of the permit.

(b) A permit issued under this chapter to a person who has been issued a riverboat owner's license or an operating agent contract (as defined in IC 4-33-2-14.6) may be used:

(1) on the riverboat; and

(2) in a restaurant owned by the person who has been issued a riverboat owner's license or an operating agent contract (as defined in IC 4-33-2-14.6) if the restaurant is located on property adjacent to the property used by the riverboat for docking purposes.

(c) A permit issued under this chapter to a person who has been issued a gambling game license under IC 4-35 may be used at a slot machine facility licensed under IC 4-35.

As added by P.L.15-1994, SEC.4. Amended by P.L.92-2003, SEC.61; P.L.233-2007, SEC.24; P.L.94-2008, SEC.35.

IC 7.1-3-17.5-2

Quota provisions inapplicable

Sec. 2. The commission shall issue a gaming site permit without regard to the quota provisions of IC 7.1-3-22.

As added by P.L.15-1994, SEC.4. Amended by P.L.233-2007, SEC.25.

IC 7.1-3-17.5-3

Fee limitations inapplicable

Sec. 3. A gaming site permit is not subject to the fee limitations otherwise set forth in IC 7.1.

As added by P.L.15-1994, SEC.4. Amended by P.L.233-2007, SEC.26.

IC 7.1-3-17.5-4

Adoption of emergency rules

Sec. 4. The commission may adopt emergency rules under IC 4-22-2-37.1 concerning the following for a gaming site permit:

(1) Issuance.

(2) Scope.

(3) Permit fee.

(4) Expiration.

(5) Revocation and suspension.

As added by P.L.15-1994, SEC.4. Amended by P.L.233-2007, SEC.27.

IC 7.1-3-17.5-5

Gaming site permits

Sec. 5. The commission may adopt rules under IC 4-22-2 concerning the following for a gaming site permit:

(1) Issuance.

(2) Scope.

(3) Permit fee.

(4) Expiration.

(5) Revocation and suspension.

As added by P.L.28-1996, SEC.2. Amended by P.L.233-2007, SEC.28.

IC 7.1-3-17.5-6

Gaming site permits; providing alcoholic beverages to guests free of charge

Sec. 6. Notwithstanding IC 7.1-5-5-7, the holder of a gaming site permit may, subject to the approval of the commission, provide alcoholic beverages to guests without charge at an event on the licensed premises.

As added by P.L.250-2003, SEC.10. Amended by P.L.72-2004, SEC.10; P.L.233-2007, SEC.29; P.L.94-2008, SEC.36; P.L.15-2011, SEC.11.

IC 7.1-3-17.5-7

"Gaming facility"; "server"; employees of lessees and caterers

Sec. 7. (a) As used in this section, "gaming facility" refers to one (1) or more of the following:

(1) A riverboat (as defined in IC 4-33-2-17).

(2) A slot machine facility licensed under IC 4-35.

(3) Any hotel, golf course, or other facility that is:

(A) owned by a person holding a gaming site permit; and

(B) related to the operation of the holder's riverboat or slot machine facility.

(b) As used in this section, "server" means an individual who serves alcoholic beverages at a gaming facility.

(c) Except as provided in subsection (d), a server is not required to be employed by a person holding a gaming site permit if the server satisfies the following requirements:

(1) The server is employed by a person who:

(A) leases space at a gaming facility for the purpose of providing food or beverages to the patrons of the gaming facility; or

(B) is a caterer or other person contracted to provide food or beverages at an event held at the gaming facility.

(2) The server holds a valid employee permit issued under IC 7.1-3-18-9.

(d) A server who serves alcoholic beverages in a gaming area (as defined in the rules adopted by the Indiana gaming commission) must be employed by a person holding a gaming site permit.
As added by P.L.15-2011, SEC.12.

IC 7.1-3-17.7

Chapter 17.7. Horse Track and Satellite Facility Permits

IC 7.1-3-17.7-1

Issuance of permit

Sec. 1. (a) Except as provided in subsection (c), the commission may issue a horse track permit to a person who has been issued a recognized meeting permit under IC 4-31-5 to sell alcoholic beverages for on-premises consumption only. The permit may be a single permit even though more than one (1) area constitutes the licensed premises of the permit.

(b) The commission may issue a satellite facility permit to a person who has been issued a satellite facility license under IC 4-31-5.5 to sell alcoholic beverages for on-premises consumption only.

(c) This chapter does not apply to a slot machine facility licensed under IC 4-35.

As added by P.L.15-1994, SEC.5. Amended by P.L.233-2007, SEC.30.

IC 7.1-3-17.7-2

Quota provisions inapplicable

Sec. 2. The commission shall issue a horse track permit or a satellite facility permit without regard to the quota provisions of IC 7.1-3-22.

As added by P.L.15-1994, SEC.5.

IC 7.1-3-17.7-3

Fee limitations inapplicable

Sec. 3. A horse track permit or a satellite facility permit is not subject to the fee limitations otherwise set forth in IC 7.1.

As added by P.L.15-1994, SEC.5.

IC 7.1-3-17.7-4

IC 7.1-3-21-1 inapplicable

Sec. 4. A horse track permit or a satellite facility permit is not subject to the provisions of IC 7.1-3-21-1.

As added by P.L.15-1994, SEC.5.

IC 7.1-3-17.7-5

Adoption of administrative rules

Sec. 5. The commission may adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, concerning the following for a horse track permit or a satellite facility permit:

(1) Issuance.
(2) Scope.
(3) Permit fee.
(4) Expiration.
(5) Revocation and suspension.

As added by P.L.15-1994, SEC.5. Amended by P.L.106-1995, SEC.12; P.L.291-2013, SEC.9.

IC 7.1-3-18

Chapter 18. Carriers', Salesmen's, and Employees' Permits

IC 7.1-3-18-1

Carriers' alcoholic permits

Sec. 1. Carriers' Alcoholic Permits: Application and Issuance. The commission may issue a carrier's alcoholic permit to a person who is a carrier upon a showing of the reliability and responsibility of the carrier and the propriety of issuing the permit. The commission may issue a carrier's alcoholic permit without publication of notice and investigation by a local board.

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

IC 7.1-3-18-2

Carriers' alcoholic permits; scope

Sec. 2. Carriers' Alcoholic Permits: Scope. A carrier's alcoholic permit shall be required only for, and be applicable to, the movement, conveyance, importation and transportation of alcohol and alcoholic beverages on a public highway in this state. A carrier's alcoholic permit shall not be required when the conveyance, movement, importation, or transportation is conducted by means of cars or trains operated by a railroad of any type over fixed rails.

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

IC 7.1-3-18-3

Permits required

Sec. 3. Permits Required. A carrier shall be required to apply for and obtain a carrier's alcoholic permit before he may haul, convey, transport, or import alcoholic beverages on a public highway of this state or crossing a boundary of it.

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

IC 7.1-3-18-4

Permits required; exception

Sec. 4. Permits Required: Exception. A carrier who transports beer manufactured in Indiana for consumption outside this state shall not be required to obtain a carrier's alcoholic permit if the beer has been manufactured under a brewer's permit and if in the judgment of the commission, through safeguards provided by the co-operation of the brewer, the issuance of a permit to the carrier is not necessary to protect the interests of the State of Indiana.

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

IC 7.1-3-18-5

Description of vehicles

Sec. 5. Description of Vehicles. A carrier's alcoholic permit shall not be operative as to a vehicle owned or operated by the carrier and shall not authorize the transportation or conveyance of alcoholic beverages in it unless a description of the vehicle is first filed with the commission. The description of the vehicle shall include the

engine number, date of manufacture, approximate weight, motor vehicle number, all license plate numbers, capacity, and any other information that the commission may require. The filing of the required information shall include that vehicle in the coverage of the permit. The permittee may alter or add to the number of vehicles included under the permit from time to time.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-18-6
Surety bond

Sec. 6. Surety Bond. The commission also may, at the time of the issuance of a carrier's alcoholic permit, or at any other time thereafter, require a surety bond in a penal sum not to exceed five hundred dollars ($500), executed by the permittee and payable to the State of Indiana. The bond shall be conditioned that he will not violate a provision of this title, or a rule or regulation of the commission pertaining to the business in which he is engaged under his permit. If a surety bond is required by the commission, the permit, although previously issued, shall not be in force and the permittee shall not operate under it until the surety bond has been duly executed, approved and filed with the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-18-7
Salesmen's permits; application and issuance

Sec. 7. Salesmens' Permits: Application and Issuance. The commission may issue a salesman's permit to a person who desires to act as a salesman. The applicant shall state in the application the county or counties within Indiana within which the applicant desires to act as a salesman. The application and the permit issued by the commission shall set forth the name and address of the person whom the salesman represents. The application and permit also shall state if the salesman is acting for himself as principal. The application also shall include reasonable rules as the commission may prescribe from time to time.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-18-8
Salesmen's permits; scope

Sec. 8. (a) The holder of a salesman's permit is not entitled to represent a person whose name does not appear on the permit as the permittee's employer, if employed by another, nor may the permittee act for any other person not named in the permit.

(b) Subject to subsection (c), a permittee is not entitled to act as a salesman for more than one (1) person under one (1) permit. However, the commission may issue additional permits to the salesman for additional principals.

(c) A permittee may act as a salesman for more than one (1) person under one (1) permit if:

(1) the permittee is an Internet company; and

(2) the Internet company provides the commission with the names of each permittee for whom the Internet company is a salesman in conformity with the rules adopted by the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.30.

IC 7.1-3-18-9
Employee's permit

Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

(1) a clerk in a package liquor store;

(2) an employee who serves wine at a farm winery; or

(3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

(1) the sole proprietor;

(2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;

(3) a member of a limited liability company that owns the business establishment; or

(4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

(1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and

(2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

(1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or

(2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) The commission shall revoke a permit issued to an employee under this section if:

(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or

(2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1979, P.L.83, SEC.4; P.L.77-1988, SEC.3; P.L.102-1989, SEC.2; P.L.64-1990, SEC.2; P.L.51-1994, SEC.7; P.L.205-1999, SEC.15; P.L.125-2000, SEC.1; P.L.204-2001, SEC.31; P.L.165-2006, SEC.26.

IC 7.1-3-18-10
Repealed

(Repealed by Acts 1978, P.L.51, SEC.8.)

IC 7.1-3-18-11
Temporary bartender's permit

Sec. 11. (a) The commission may issue a temporary bartender's permit to any person who is at least twenty-one (21) years of age for any of the following purposes:

(1) To be a bartender at any activity or event for which a temporary permit is issued under IC 7.1-3-6 (beer) or IC 7.1-3-16 (wine).

(2) To be a bartender at a nonprofit club for a maximum of four (4) days in a year during the same time that a fair or festival is held in the community where the club is located. However, the commission may only issue a maximum of twenty (20) temporary bartender's licenses for use in one (1) club during one (1) fair or festival.

(b) A temporary bartender's permit is the only license that is

required for persons to serve as bartenders for the purposes described in subsection (a).

(c) A temporary bartender at a club may dispense any alcoholic beverage that the club's permit allows the club to serve.

(d) The fee for a temporary bartender's permit is five dollars ($5).

(e) The commission may by rule provide procedures for the issuance of a temporary bartender's permit.

(f) The commission shall revoke a permit issued to a bartender under this section if the bartender is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a).

As added by P.L.77-1988, SEC.4. Amended by P.L.52-1992, SEC.7; P.L.125-2000, SEC.2; P.L.224-2005, SEC.9.

IC 7.1-3-18.5

Chapter 18.5. Tobacco Sales Certificate

IC 7.1-3-18.5-1

Tobacco sales certificate required

Sec. 1. (a) A person may not sell or otherwise distribute in exchange for consideration a tobacco product at retail without a valid tobacco sales certificate issued by the commission.

(b) A certificate may be issued only to a person who owns or operates at least one (1) of the following:

(1) A premises consisting of a permanent building or structure where the tobacco product is sold or distributed.

(2) A premises upon which a cigarette vending machine (as defined by IC 35-43-4-7) is located.

As added by P.L.250-2003, SEC.11.

IC 7.1-3-18.5-2

Information required; fees; certification for each location; display of certificate; denial; requirements

Sec. 2. (a) A person who desires a certificate must provide the following to the commission:

(1) The applicant's name and mailing address and the address of the premises for which the certificate is being issued.

(2) Except as provided in section 6(c) of this chapter, a fee of two hundred dollars ($200).

(3) The name under which the applicant transacts or intends to transact business.

(4) The address of the applicant's principal place of business or headquarters, if any.

(5) The statement required under section 2.6 of this chapter.

(b) A separate certificate is required for each location where the tobacco products are sold or distributed.

(c) A certificate holder shall conspicuously display the holder's certificate on the holder's premises where the tobacco products are sold or distributed.

(d) Any intentional misstatement or suppression of a material fact in an application filed under this section constitutes grounds for denial of the certificate.

(e) A certificate may be issued only to a person who meets the following requirements:

(1) If the person is an individual, the person must be at least eighteen (18) years of age.

(2) The person must be authorized to do business in Indiana.

(f) The fees collected under this section shall be deposited in the enforcement and administration fund under IC 7.1-4-10.

As added by P.L.250-2003, SEC.11. Amended by P.L.224-2005, SEC.10; P.L.94-2008, SEC.37.

IC 7.1-3-18.5-2.6

Statement of consent

Sec. 2.6. An application for a tobacco certificate must contain the express statement of the applicant that the applicant consents for the duration of the certificate term (if the commission issues the certificate to the applicant) to the entrance, inspection, and search by an enforcement officer, without a warrant or other process, of the applicant's retail premises to determine whether the applicant is complying with the provisions of this title. The consent required by this section is renewed and continued by the retention of a certificate or the certificate's use by the applicant or the applicant's agents.
As added by P.L.94-2008, SEC.38.

IC 7.1-3-18.5-3
Contents of certificate; term of certificate; nontransferable

Sec. 3. (a) A certificate issued by the commission under this chapter must contain the following information:

(1) The certificate number.
(2) The certificate holder's name.
(3) The permanent location of the business or vending machine for which the certificate is issued.
(4) The expiration date of the certificate.

(b) A certificate is:

(1) valid for three (3) years after the date of issuance, unless the commission suspends the certificate; and
(2) nontransferable.

As added by P.L.250-2003, SEC.11. Amended by P.L.224-2005, SEC.11.

IC 7.1-3-18.5-4
Adoption of rules

Sec. 4. The commission may adopt rules under IC 4-22-2 to establish procedures for the issuance, renewal, and reinstatement of a certificate.
As added by P.L.250-2003, SEC.11.

IC 7.1-3-18.5-5
Certificate suspension; revocation; notice and hearing

Sec. 5. (a) Subject to subsection (b), the commission may suspend the certificate of a person who fails to pay a civil penalty imposed for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11.5, or IC 35-46-1-11.7.

(b) Before enforcing the imposition of a civil penalty or suspending or revoking a certificate under this chapter, the commission shall provide written notice of the alleged violation to the certificate holder and conduct a hearing. The commission shall provide written notice of the civil penalty or suspension or revocation of a certificate to the certificate holder.

(c) Subject to subsection (b), the commission shall revoke the certificate of a person upon a finding by a preponderance of the evidence that the person:

(1) has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4;

(2) has committed habitual illegal sale of tobacco as established under IC 35-46-1-10.2(h); or

(3) has committed habitual illegal entrance by a minor as established under IC 35-46-1-11.7(f).

As added by P.L.250-2003, SEC.11. Amended by P.L.227-2007, SEC.61; P.L.94-2008, SEC.39.

IC 7.1-3-18.5-6

Reinstatement or renewal; failure to pay civil penalty; Class B infraction; fee

Sec. 6. (a) If a certificate has:

(1) expired; or

(2) been suspended;

the commission may not reinstate or renew the certificate until all civil penalties imposed against the certificate holder for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11.5, or IC 35-46-1-11.7 have been paid.

(b) The failure to pay a civil penalty described in subsection (a) is a Class B infraction.

(c) If a certificate has been revoked, the commission may not reinstate or renew the certificate for at least one hundred eighty (180) days after the date of revocation. The commission may reinstate or renew the certificate only upon a reasonable showing by the applicant that the applicant shall:

(1) exercise due diligence in the sale of tobacco products on the applicant's premises where the tobacco products are sold or distributed; and

(2) properly supervise and train the applicant's employees or agents in the handling and sale of tobacco products.

If a certificate is reinstated or renewed, the applicant of the certificate shall pay an application fee of one thousand dollars ($1,000).

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

As added by P.L.250-2003, SEC.11. Amended by P.L.94-2008, SEC.40.

IC 7.1-3-18.5-7

Tobacco sales without certificate; Class A infraction

Sec. 7. (a) A person who is required to have a certificate under this chapter and who sells or distributes tobacco products without a valid certificate commits a Class A infraction. Each violation of this section constitutes a separate offense.

(b) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

As added by P.L.250-2003, SEC.11. Amended by P.L.252-2003, SEC.4.

IC 7.1-3-18.5-8
Mitigate civil penalties

Sec. 8. The commission may mitigate civil penalties imposed against a certificate holder for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11.5, IC 35-46-1-11.7, or any of the provisions of this chapter if a certificate holder provides a training program for the certificate holder's employees that includes at least the following topics:

(1) Laws governing the sale of tobacco products.

(2) Methods of recognizing and handling customers who are less than eighteen (18) years of age.

(3) Procedures for proper examination of identification cards to verify that customers are under eighteen (18) years of age.

As added by P.L.94-2008, SEC.41.

IC 7.1-3-18.5-9
Exercise due diligence; supervision and training of employees or agents; prima facie evidence of lack of due diligence

Sec. 9. A certificate holder shall exercise due diligence in the supervision and training of the certificate holder's employees or agents in the handling and sale of tobacco products on the holder's retail premises. Proof that employees or agents of the certificate holder, while in the scope of their employment, committed at least six (6) violations relating to IC 35-46-1-10.2(a) in any one hundred eighty (180) day period shall be prima facie evidence of a lack of due diligence by the certificate holder in the supervision and training of the certificate holder's employees or agents.

As added by P.L.94-2008, SEC.42.

IC 7.1-3-18.5-10
Failure to attend hearing

Sec. 10. (a) If a certificate holder fails to attend or participate in a hearing without good cause, the hearing judge may recommend to the commission that the commission suspend or revoke the certificate holder's certificate or impose a fine on the certificate holder of up to one thousand dollars ($1,000).

(b) A hearing judge may grant a continuance of a hearing upon written motion showing good cause for the continuance.

As added by P.L.94-2008, SEC.43.

IC 7.1-3-19

Chapter 19. Procedures for Issuance and Renewal of Retailers' and Dealers' Permits

IC 7.1-3-19-1

Permits issued in discretion of commission

Sec. 1. Permits Issued in Discretion of Commission. The commission in its absolute discretion shall issue, suspend, or revoke, except as otherwise provided in this title, a retailer's or dealer's permit of any type.

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

IC 7.1-3-19-2

Jurisdiction restricted

Sec. 2. Jurisdiction Restricted. Except as otherwise provided in this title, no court shall have jurisdiction of an action to compel the issuance of a retailer's or dealer's permit of any type, or to revoke, annul, suspend, or enjoin an action, ruling, finding, or order of the commission suspending or revoking one (1) of these permits, and the consent of the State of Indiana is hereby expressly withdrawn and denied in such an action.

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

IC 7.1-3-19-3

Prerequisites

Sec. 3. Prerequisites. The commission, unless otherwise provided in this title, shall not grant an application and issue a retailer's or dealer's permit of any type until the publication of notice, the investigation before the local board, and the other proceedings required by this chapter have been completed.

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

IC 7.1-3-19-4

Time and place for investigation

Sec. 4. Time and Place for Investigation. The commission shall fix the time and place for investigating, before the appropriate local board, the fitness of the applicant, and the propriety of granting his application for the particular retailer's or dealer's permit involved. The investigation shall be held within the county in which the premises, described in the application, are situated and it shall be open to the public. The commission also shall notify the clerk of the circuit court of the appropriate county, from whom the applicant, and all others who inquire, shall be entitled to ascertain the time and place of the investigation before the local board. The clerk of the circuit court shall provide immediately to the county treasurer a copy of the time and place of investigations before the local board.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.106-1995, SEC.13.

IC 7.1-3-19-5

Publication of notice and investigation

Sec. 5. The commission shall cause one (1) notice of the pending investigation to be published in a newspaper 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.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.224-2005, SEC.12; P.L.94-2008, SEC.44.

IC 7.1-3-19-6

Combined publication of notices

Sec. 6. Combined Publication of Notices. The commission may combine in one (1) publication, notices of any number of applications by the same or different applicants if the combined publication contains the required information with respect to each application respectively and if the publication complies with all other requirements of this title.

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

IC 7.1-3-19-7

Contents of notice

Sec. 7. Contents of Notice. The notice shall advise the public of the name of the applicant, the type of permit applied for, the location of the premises as set forth in the application, and the time and place when and where the application will come up for investigation before the local board. The notice also shall advise that the local board will, at the time and place designated, investigate the application and receive information concerning the fitness of the applicant, and the propriety of issuing the permit applied for, at the named premises, to the applicant.

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

IC 7.1-3-19-8

Testimony

Sec. 8. Testimony. In the discretion of the designated member of the local board, sworn oral testimony may be heard, and affidavits or duly certified documents may be received. The local board also may utilize any and all sources of unsworn information.

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

IC 7.1-3-19-9

Questionnaires

Sec. 9. Questionnaires. Each member of the local board, at the conclusion of the investigation, shall answer in writing the questions contained in the questionnaire submitted by the commission in relation to the investigation. Each member of the local board shall sign the questionnaire in duplicate. Both copies of the questionnaire shall be given to the designated member who shall deliver them to the commission for its use in acting upon the application. The commission also may order that further investigations on an application be made before the local board.

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

IC 7.1-3-19-9.5
Renewals

Sec. 9.5. (a) The commission shall provide procedures and forms to allow an applicant for the renewal of a retailer's or dealer's permit to file a simplified application.

(b) An applicant for renewal does not have to be present during the local board proceedings on the renewal unless notified by the commission or the local board. However, a local board may not take any action to deny the renewal of a retailer's or dealer's permit unless the applicant has been notified and given an opportunity to be present at an investigation before the local board.

(c) For the purpose of implementing this section, the commissioner may prorate permits of persons holding more than one (1) retailer's or dealer's permit so that those permits terminate at one (1) time and the renewed permits of that person shall have the same termination date.

(d) In a county containing a consolidated city, the renewal of a retailer's or dealer's permit is subject to this section and IC 7.1-3-1-5.6.

As added by Acts 1977, P.L.94, SEC.1. Amended by P.L.16-1983, SEC.4; P.L.52-1994, SEC.5.

IC 7.1-3-19-10
Commission's action

Sec. 10. Commission's Action. The commission may investigate in any manner it deems best to enable it to act upon the application in a particular case. The commission may grant or refuse the application accordingly as it deems the public interest will be served best. The action of the commission on the application for a retailer's or dealer's permit of any type shall be final.

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

IC 7.1-3-19-11
Review of recommendations; findings of fact

Sec. 11. (a) The commission shall follow the recommendation of a majority of the members of a local board to grant or deny an application for a retailer's or dealer's permit of any type, unless, after the commission's review of that recommendation, the commission determines that to follow the recommendation would be:

(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

(2) contrary to a constitutional right, power, privilege, or immunity;

(3) in excess of, or contrary to, statutory jurisdiction, authority, limitations or rights;

(4) without observance of procedure required by law; or

(5) unsupported by substantial evidence.

Such review shall be de novo.

(b) If the commission determines not to follow the recommendation of a local board, after the commission's review of that recommendation according to the standards set forth in subsection (a), the commission shall make written findings of fact on each material issue on which the commission's determination is based.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.64-1990, SEC.3.

IC 7.1-3-19-11.5

Appeal hearing; notice to local board; publication of notice

Sec. 11.5. (a) As used in this section, "applicant" or "application" means an applicant or an application for:

(1) a new permit; or

(2) the transfer or renewal of an existing permit.

(b) This section applies if a permit applicant or a person who remonstrates at a local board hearing against the approval of the application files with the commission:

(1) an objection to the commission's action on the application; and

(2) a request for an appeal hearing before the commission.

(c) The commission shall do the following:

(1) Provide notice to the local board, by first class mail, of the date of an appeal hearing set by the commission. Notice under this subdivision must be provided not later than ten (10) days before the date of the hearing.

(2) Publish notice in the city, town, or county where the proposed permit premises is located of the date of an appeal hearing set by the commission. Notice under this subdivision must be published not later than ten (10) days before the date of the hearing.

As added by P.L.94-2008, SEC.45.

IC 7.1-3-19-12

Return of fee

Sec. 12. Return of Fee. The chairman shall deduct the sum of twenty-five dollars ($25) from the license fee paid by the applicant for each application considered, but if the applications are combined in one (1) application, the chairman shall deduct the sum of thirty-five dollars ($35) from the license fee, and return the balance of the fee to the applicant if the commission refuses to grant the application. The amount deducted from the fee shall be the property of the state and shall be disposed of as provided in article 4 of this title.

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

IC 7.1-3-19-13

New permits in residential districts; duty of commission

Sec. 13. New Permits in Residential Districts: Duty of Commission. The commission shall have the duty in considering an

application for a new retailer's permit of any type, or a new liquor dealer's permit, to determine whether the business to be conducted by the applicant pursuant to the proposed permit will be located within a residential district, and if so, whether the conduct of the business pursuant to the proposed permit will unreasonably impair and interfere with the peace, comfort, or enjoyment of life and property of the occupants of the residential district, or any of them. The commission shall deny the application if it finds in the affirmative on both questions.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-19-14
New permits in residential districts; notice

Sec. 14. New Permits in Residential Districts: Notice. The commission shall have the duty in making the determinations provided in IC 1971, 7.1-3-19-13, to publish notice that an application for a permit is pending and that a public hearing will be held on the application at a time and place to be stated in the notice. The notice shall state that at the hearing, residents of the residential district may appear and be heard in favor of, or in opposition to, the granting of the permit and may, if they desire to, present a verified written remonstrance against the granting of the permit.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-19-15
New permits in residential districts; hearing

Sec. 15. New Permits in Residential Districts: Hearing. The commission shall consider the matters which may be brought out at the hearing and the sentiments of the residents in making the determinations required by IC 1971, 7.1-3-19-13. Further, if at the hearing, there is presented to the commission a verified written remonstrance bearing the signatures of at least fifty-one percent (51%) of the registered voters of the residential district, the commission shall be bound to find in the affirmative and to deny the application.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-19-16
New permits in residential districts; exceptions

Sec. 16. New Permits in Residential Districts: Exceptions. The provisions of IC 7.1-3-19-13, 7.1-3-19-14, and 7.1-3-19-15, do not apply to the renewal of existing retailer's permits, nor to the renewal of existing liquor dealer's permits, nor to a nationally chartered veteran's organization which has occupied the same premises for ten (10) years prior to making application for a club permit.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1979, P.L.83, SEC.5.

IC 7.1-3-20

Chapter 20. Clubs, Restaurants, and Hotels

IC 7.1-3-20-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments made to sections 18, 20, and 21 of this chapter by P.L.204-2001 supersede 905 IAC 1-41-2(c), as in effect on January 1, 2001.

(2) The amendments made to section 11.5 of this chapter by P.L.204-2001 apply only to applications submitted after June 30, 2001. Applicants who submit an application before July 1, 2001, must comply with section 11.5, as appropriate, as the provision was effective at the time the application was submitted.

(3) The addition of section 16.1 of this chapter by P.L.72-2004 applies to an application for a permit received after June 30, 2004.

As added by P.L.220-2011, SEC.173.

IC 7.1-3-20-1

Clubs; general requirements

Sec. 1. Clubs: General Requirements. In order to be considered a "club" within the meaning of this title and to be eligible to receive an appropriate club permit under this title, an association or corporation shall meet the following requirements:

(a) It shall have been organized in good faith under authority of law;

(b) It shall have been in active, continuous existence for at least three (3) years prior to the date the application for the permit is filed;

(c) It shall have maintained, in good faith, a membership roll for the three (3) year period;

(d) It shall have a paid-up membership of more than fifty (50) members at the time the application is filed;

(e) It shall be the owner, lessee, or occupant of an establishment operated solely for objects of a national, social, patriotic, political, or athletic nature, or the like;

(f) It shall not be operated for pecuniary gain;

(g) The property and the advantages of the organization shall belong to its members; and,

(h) It shall maintain an establishment provided with special space and accomodations where, in consideration of payment, food, with or without lodging, is habitually served.

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

IC 7.1-3-20-2

Clubs within corporate limits

Sec. 2. The commission may issue the appropriate permit upon the application of a club if the premises to be licensed are situated within

the corporate limits of a city or town.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.72, SEC.1.) As amended by Acts 1977, P.L.95, SEC.1; P.L.52-1992, SEC.8.

IC 7.1-3-20-2.5
Sunday sales; applicability; on-premises consumption

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.
As added by P.L.52-1992, SEC.9. Amended by P.L.224-2005, SEC.13.

IC 7.1-3-20-3
Clubs outside corporate limits

Sec. 3. Clubs Outside Corporate Limits. The commission may issue the appropriate permit upon the application of a club whose premises to be licensed are situated outside the corporate limits of an incorporated city or town if the club meets the following additional requirements:

(a) The club has been duly organized for social, athletic, or outdoor exercise purposes;

(b) The club requires and receives an annual membership fee of at least six dollars ($6.00);

(c) The club has an investment of not less than five thousand dollars ($5,000), in addition to investment in buildings, in grounds or fields especially prepared for athletic or physical exercise;

(d) The grounds or fields have been especially prepared for use for a period of at least six (6) months prior to the filing of the application for the permit; and,

(e) The grounds or fields have been patronized and used regularly during seasonable weather for physical exercise.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-20-4
Clubs outside corporate limits; exception

Sec. 4. Clubs Outside Corporate Limits: Exception. A club which has been in continuous existence for at least three (3) years and which has been formed for social, athletic, or outdoor exercise purposes, and which has been well known during that period of time and which either through the financial records which it has preserved or through the financial or other institutions with which it has dealt, can show that it has been in continuous active operation for the three (3) year period, and which has acquired by lease or ownership or other kind of substantial control an establishment outside the corporate limits of a city or town and which is of such respectability and probable permanence as to warrant the issuance of an appropriate permit, may be eligible, although it does not have the

necessary qualifications, other than those contained in this section, to be granted a retailer's permit at the establishment.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-20-5
Clubs; two locations

Sec. 5. Clubs: Two Locations. If a club is eligible to be issued a permit for premises situated within a city or town, or outside of the corporate limits of a city or town, one (1) permit may be issued to the club for an establishment located outside of the corporate limits of a city or town, and another appropriate permit may be issued to the same club for an establishment located within the corporate limits of a city or town. The commission shall charge a separate annual license fee for each location.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-20-6
Member of a club; qualifications

Sec. 6. In order to be considered a "member of a club" within the meaning of this title, a person must meet the following qualifications:

(1) The person must have become a member either as a charter member or by admission in accordance with the articles of incorporation, constitution, and bylaws of the club.

(2) The person must maintain membership by the payment of dues in the required manner.

(3) The person's name and address must be entered on the membership list which is supplied to the commission:

(A) the first time that the new or renewal application for the appropriate club permit is filed after the person becomes a member of the club; and

(B) with subsequent renewal applications that are filed after the person becomes a member of the club for as long as the person remains a member.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.75-1996, SEC.1.

IC 7.1-3-20-7
Fraternal clubs; labor organizations

Sec. 7. (a) As used in this title and to be eligible to receive the appropriate permit, "fraternal club" means an association or corporation whose membership is comprised of or forms:

(1) a lodge or local chapter or corresponding unit of a fraternal order or of another association of a like nature; or

(2) a body whose membership is comprised of persons who have served in the armed forces of the United States;

and which has been in continual existence on a national scale for more than five (5) years prior to the date the application is filed.

(b) Fraternal clubs and labor organizations need not meet the requirements of section 1 of this chapter, but are considered clubs for all other purposes of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.10; P.L.13-2013, SEC.28.

IC 7.1-3-20-8
Club; enabling ordinance required

Sec. 8. The commission shall require the enactment of an enabling ordinance as provided in IC 1971, 7.1-3-9, before issuing a new liquor retailer's permit to a club in a city or town that has a population of less than five thousand (5,000). This section shall not apply to the renewal of an existing permit nor shall it apply to a fraternal club or a social club.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.32.

IC 7.1-3-20-8.5
Discriminatory practices

Sec. 8.5. (a) As used in this section, "discriminatory practice" means a refusal to provide equal access to and use of services or facilities on the basis of a person's race or color. However, the term does not include a practice of a club or fraternal club that requires a specific religious affiliation or belief as a condition of membership in the club or fraternal club.

(b) To be eligible to hold a club permit under this chapter, a club, fraternal club, or labor organization may not engage in a discriminatory practice.

(c) A person may file a complaint with the civil rights commission alleging a discriminatory practice by a club, fraternal club, or labor organization.

(d) The civil rights commission shall investigate the allegations in the complaint and, if reasonable cause is found, shall hold a hearing under IC 22-9-1-6 on the complaint. If the civil rights commission finds that a club, fraternal club, or labor organization has engaged in a discriminatory practice, the civil rights commission shall certify the finding to the alcohol and tobacco commission.

(e) If a club, fraternal club, or labor organization is found to have engaged in a discriminatory practice, the commission shall do one (1) or more of the following:

(1) Issue a warning to the club, fraternal club, or labor organization.

(2) Impose a civil penalty on the club, fraternal club, or labor organization not to exceed one thousand dollars ($1,000).

(3) Suspend the club, fraternal club, or labor organization's permit for not more than ninety (90) days.

(4) Not issue a new club permit under this chapter if the club, fraternal club, or labor organization does not hold a club permit under this chapter.

(5) Revoke an existing club permit.

As added by P.L.66-1990, SEC.1. Amended by P.L.204-2001, SEC.33.

IC 7.1-3-20-8.6
Club guest day

Sec. 8.6. (a) The holder of a club permit may do the following:

(1) Designate as "guest day" or "guest days":

(A) three (3) or fewer days in a month; or

(B) nine (9) or fewer consecutive days in a quarter.

(2) Keep a record of all designated guest days.

(3) Invite guests who are not members of the club to attend the club on a guest day.

(4) Sell or give alcoholic beverages to guests for consumption on the permit premises on a guest day.

(5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.

(b) This subsection applies to a club that furnishes alcoholic beverages on not more than two (2) days in each week. Notwithstanding subsection (a)(1), the holder of a club permit to which this subsection applies may designate twenty-four (24) guest days in each calendar year rather than one (1) guest day in each month.

As added by P.L.52-1992, SEC.10. Amended by P.L.90-1993, SEC.1; P.L.205-1999, SEC.16; P.L.216-2011, SEC.1.

IC 7.1-3-20-9
Restaurants; general requirements

Sec. 9. Restaurants: General Requirements. In order to be considered a "restaurant" within the meaning of this title and to be eligible to receive an appropriate restaurant permit under this title, an establishment shall meet the following requirements:

(a) It shall be provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers; and,

(b) It shall have accommodations at which at least twenty-five (25) persons may be served at one (1) time.

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

IC 7.1-3-20-10
Restaurants within corporate limits

Sec. 10. Restaurants Within Corporate Limits. The commission may issue the appropriate permit upon the application of a restaurant if the premises to be licensed are situated within the corporate limits of a city or town.

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

IC 7.1-3-20-11
Restaurants; unincorporated town exception

Sec. 11. Restaurants: Unincorporated Town Exception. The commission may issue a beer retailer's permit to a restaurant if it is located within an unincorporated town, or in close proximity to one, and if the establishment meets the requirements provided in IC 1971, 7.1-3-20-9.

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

IC 7.1-3-20-11.5
Restaurants; small city provision

Sec. 11.5. (a) The commission may issue a three-way permit for the sale of alcoholic beverages, for on-the-licensed-premises consumption only, to the proprietor of a restaurant which is located in a city or town that has a population of less than twenty-five thousand (25,000), if the applicant meets the following requirements:

(1) The establishment is the holder of a one-way or a two-way permit.

(2) The establishment is qualified to hold a three-way permit but for the provisions of IC 7.1-3-22-3.

(b) A permit that is issued under this section may be transferred.

(c) The annual license fee for a three-way retailer's permit issued under this section is the same as the fee for a three-way retailer's permit issued under other provisions of this chapter. A person who holds a three-way retailer's permit under this section is not required to pay an annual license fee for any one-way or two-way retailer's permit that the person must hold to maintain eligibility for a three-way retailer's permit under this section.

As added by Acts 1976, P.L.24, SEC.1. Amended by Acts 1981, P.L.44, SEC.3; P.L.91-1993, SEC.1; P.L.204-2001, SEC.34; P.L.229-2011, SEC.99.

IC 7.1-3-20-12
Restaurants outside corporate limits

Sec. 12. The commission may issue a three-way permit for the sale of alcoholic beverages to the proprietor of a restaurant which is located outside the corporate limits of an incorporated city or town if the restaurant meets the additional requirements:

(1) It shall be a table service restaurant in which a patron is seated at a table and is served by a waiter or waitress and the food served is predominantly consumed on the premises.

(2) It shall be sufficiently served by adequate law enforcement at its premises.

(3) If it does business during seven (7) or more months of each year, it shall have had an annual gross food sales of at least one hundred thousand dollars ($100,000) for the three (3) years immediately preceding its application for a permit unless the permittee is the proprietor of a recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.

(4) If it does business during six (6) or fewer months of each year, it shall have had average monthly gross food sales of at least eight thousand five hundred dollars ($8,500) for each month it did business for the three (3) years immediately preceding its application for a permit.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.72, SEC.2.) As

amended by P.L.85-1985, SEC.11; P.L.106-1995, SEC.14; P.L.224-2005, SEC.14.

IC 7.1-3-20-13
New restaurants outside corporate limits

Sec. 13. (a) The commission may issue a three-way permit to the proprietor of a new restaurant which is located outside the corporate limits of an incorporated city or town for the sale of alcoholic beverages if:

(1) the applicant proves to the local board and the commission that a projection of his experience had for the first ninety (90) days of gross food sales at the location will exceed not less than two hundred thousand dollars ($200,000) in gross food sales by the end of two (2) years from the date of his application; and

(2) the restaurant meets the additional requirements provided in section 12 of this chapter, other than the gross food sales requirement.

(b) Notwithstanding subsection (a), the gross food sales requirement under this section for an applicant who plans to do business during six (6) or fewer months of each year is an average of at least eight thousand five hundred dollars ($8,500) per month for each full month that the applicant plans to do business.

(c) Notwithstanding subsections (a) and (b), the commission may issue a permit for a new restaurant to sell alcoholic beverages at the time of its opening if the applicant for this permit first executes a verified certification to the commission stating that the anticipated gross food sales are expected to exceed two hundred thousand dollars ($200,000) during the first two (2) years of operation. Not more than one hundred twenty (120) days after the opening of the new restaurant, the applicant shall furnish to the commission a financial statement showing the dollar amount of food sales made during the first ninety (90) days of operation. The commission may require this financial statement to be audited by a certified public accountant. If the food sales shown on the financial statement do not meet the standards set forth in subsection (a), the commission may revoke the permit.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.72, SEC.3.) As amended by P.L.85-1985, SEC.12.

IC 7.1-3-20-13.5
Public restaurant at golf course or tennis club; gross food sales requirement

Sec. 13.5. Notwithstanding sections 12 and 13 of this chapter, there is no annual or monthly gross food sales requirement to obtain a three-way permit for the sale of alcoholic beverages in a restaurant that is:

(1) open to the general public; and

(2) located on:

(A) the grounds of a regulation size golf course that has at least nine (9) holes; or

(B) the premises of a tennis club that has at least eight (8) regulation size tennis courts.

As added by P.L.64-1990, SEC.4. Amended by P.L.51-1994, SEC.8; P.L.76-1997, SEC.1; P.L.224-2005, SEC.15.

IC 7.1-3-20-13.6
"Clubhouse" defined; sale of alcoholic malt beverages; employees' or bartenders' permits

Sec. 13.6. (a) As used in this section, "clubhouse" means a facility:

(1) that is located on a golf course; and

(2) where alcoholic beverages are sold under a retailer's permit or a club permit issued by the commission.

(b) The holder of a retailer's permit or a club permit for the sale of alcoholic beverages at a clubhouse may, under the same permit, sell alcoholic malt beverages at a permanent, semipermanent, or portable structure or cart that meets the following requirements:

(1) Is on the same golf course premises as the clubhouse.

(2) Is within reasonable proximity of the clubhouse.

(3) Provides minimum food service.

(4) Has a floor plan or design that meets the following requirements:

(A) Is on file with the commission.

(B) Has been approved by the commission.

(c) All employees of a permittee described in subsection (b), who are involved in the furnishing, supplying, conveying, selling or serving of alcoholic beverages, shall have an employee's permit or bartender's permit, as applicable.

As added by P.L.87-1993, SEC.2.

IC 7.1-3-20-14
Restaurants outside corporate limits; nonrenewals

Sec. 14. (a) The commission shall not renew the permit of a permittee licensed under section 12 or 13 of this chapter upon the expiration of the permit in the calendar year next succeeding a calendar year in which the permittee's gross food sales are less than one hundred thousand dollars ($100,000), unless the permittee can establish to the satisfaction of the local board and the commission that his projected gross food sales for the ensuing calendar year will exceed one hundred thousand dollars ($100,000).

(b) Notwithstanding subsection (a), the gross food sales requirement under this section for a permittee who does business during six (6) or fewer months of each year is an average of at least eight thousand five hundred dollars ($8,500) per month for each full month that the permittee does business.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.13.

IC 7.1-3-20-15
Repealed

(Repealed by Acts 1975, P.L.72, SEC.4.)

IC 7.1-3-20-16

Airport restaurants; restaurants in certain economic development areas; redevelopment projects or districts, historic river vessels, cultural centers, historic districts

Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

(1) A town that:

(A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700).

(2) A city that has an indoor theater as described in section 26 of this chapter.

(g) The commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. A permit issued under this subsection shall not be transferred. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars ($6,000).

(h) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000);

located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall

conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars ($1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

(j) Subject to section 16.2 of this chapter, the commission may issue not more than six (6) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant on land within a municipal lakefront development project funded in part with state, local, and federal money. A permit issued under this subsection may not be transferred. If the commission issues six (6) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed six (6) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction

may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial permit under this subsection is ten thousand dollars ($10,000).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.14; P.L.78-1986, SEC.6; P.L.103-1989, SEC.2; P.L.72-1991, SEC.2; P.L.12-1992, SEC.56; P.L.277-1993(ss), SEC.131; P.L.15-1994, SEC.6; P.L.170-2002, SEC.55; P.L.155-2005, SEC.1; P.L.214-2005, SEC.48; P.L.224-2005, SEC.16; P.L.1-2006, SEC.148; P.L.165-2006, SEC.27; P.L.10-2010, SEC.7; P.L.71-2012, SEC.3; P.L.119-2012, SEC.80; P.L.176-2013, SEC.1.

IC 7.1-3-20-16.1

Municipal riverfront development project; alcoholic beverage permit requirements

Sec. 16.1. (a) This section applies to a municipal riverfront development project authorized under section 16(d) of this chapter.

(b) In order to qualify for a permit, an applicant must demonstrate that the municipal riverfront development project area where the permit is to be located meets the following criteria:

(1) The project boundaries must border on at least one (1) side of a river.

(2) The proposed permit premises may not be located more than:

(A) one thousand five hundred (1,500) feet; or

(B) three (3) city blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;

(B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or

(C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

(4) The project must be funded in part with state and city money.

(5) The boundaries of the municipal riverfront development project must be designated by ordinance or resolution by the legislative body (as defined in IC 36-1-2-9(3) or IC 36-1-2-9(4)) of the city in which the project is located.

(c) Proof of compliance with subsection (b) must consist of the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire municipal riverfront

development project; and

(B) the location of the proposed permit within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the municipal riverfront development project.

(3) Detailed information concerning the expenditures of state and city funds on the municipal riverfront development project.

(d) Notwithstanding subsection (b), the commission may issue a permit for premises, the location of which does not meet the criteria of subsection (b)(2), if all the following requirements are met:

(1) All other requirements of this section and section 16(d) of this chapter are satisfied.

(2) The proposed premises is located not more than:

(A) three thousand (3,000) feet; or

(B) six (6) blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit applicant satisfies the criteria established by the commission by rule adopted under IC 4-22-2. The criteria established by the commission may require that the proposed premises be located in an area or district set forth in subsection (b)(3).

(4) The permit premises may not be located less than two hundred (200) feet from facilities owned by a state educational institution.

(e) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3.

As added by P.L.72-2004, SEC.11. Amended by P.L.155-2005, SEC.2 and P.L.214-2005, SEC.49; P.L.185-2005, SEC.2; P.L.1-2006, SEC.149; P.L.2-2007, SEC.131.

IC 7.1-3-20-16.2

Municipal lakefront development project; qualifications for permit; documentation; restriction on issuance of permit

Sec. 16.2. (a) This section applies to a municipal lakefront development project authorized under section 16(j) of this chapter.

(b) In order to qualify for a permit, an applicant must demonstrate that the municipal lakefront development project area where the permit is to be located meets the following criteria:

(1) The municipal lakefront development project area must be located in a city (as defined in IC 36-1-2-3).

(2) All of the following must be located within the corporate boundaries of the city described in subdivision (1):

(A) A city park.

(B) A baseball stadium.

(C) An oil refinery.

(3) The project boundaries must border on Lake Michigan.

(4) The proposed permit premises may not be located more than:

(A) one thousand five hundred (1,500) feet; or

(B) three (3) city blocks;

from Lake Michigan, whichever is greater. However, if the area adjacent to Lake Michigan is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to Lake Michigan that are capable of being developed.

(5) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;

(B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or

(C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

(6) The project must be funded in part with state, local, and federal money.

(7) The boundaries of the municipal lakefront development project must be designated by ordinance or resolution by the legislative body (as defined in IC 36-1-2-9) of the city in which the project is located.

(c) Proof of compliance with subsection (b) must consist of the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire municipal lakefront development project; and

(B) the location of the proposed permit within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the municipal lakefront development project.

(3) Detailed information concerning the expenditures of state, local, and federal funds on the municipal lakefront development project.

(d) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3.

As added by P.L.176-2013, SEC.2.

IC 7.1-3-20-16.5

Restaurants in historic places or districts; retailer's permits

Sec. 16.5. (a) A permit that is authorized by this section:

(1) is subject to the quota provisions of IC 7-1-3-22; and

(2) is not subject to the proximity provisions of IC 7.1-3-21-11.

(b) The commission may issue a retailer's permit to the proprietor of a restaurant that is located in a facility that is on the National

Register of Historic Places or that is located within the boundaries of an historic district that is established by ordinance pursuant to IC 36-7-11-7.
As added by P.L.91-1993, SEC.2.

IC 7.1-3-20-17
Service bars

Sec. 17. Service Bars. (a) An establishment which is licensed under the provisions of this article and which has a gross annual business of at least one hundred thousand dollars ($100,000), of which at least fifty percent (50%), is in the retail sale of food, may have, subject to the approval of the commission, a service bar which is not in full, free and unobstructed view from a street or public highway.

(b) An establishment shall qualify as to the gross annual business provision if the projection of the first ninety (90) days of business for the establishment for one (1) year equals, or is greater than, one hundred thousand dollars ($100,000), in the proportions set forth in subsection (a), as shown by the books and records of the establishment.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-20-18
Hotels; general requirements

Sec. 18. (a) In order to be considered a "hotel" within the meaning of this title and to be eligible to receive an appropriate hotel permit under this title, an establishment shall meet the following requirements:

(1) It shall be provided with special space and accommodations where, in consideration of payment, food and lodging are habitually furnished to travelers.

(2) It shall have at least twenty-five (25), adequately furnished and completely separate sleeping rooms with adequate facilities under one (1) continuous roof.

(3) It shall be so disposed that persons usually apply for and receive overnight accommodations in it in the course of usual and regular travel or as a residence.

(4) It shall operate either a:

(A) regular dining room constantly frequented by customers each day; or

(B) room in which continental breakfasts and hors d'oeuvres are served in areas designated as dining rooms.

(b) This subsection applies to a hotel that qualifies under subsection (a)(4)(B). All laws and commission rules regarding legal serving for alcoholic beverages fully apply to the hotel. Rooms that qualify under subsection (a)(4)(B) qualify as rooms under IC 7.1-5-7-11(a)(16). The commission may adopt rules under IC 4-22-2 concerning floor plans of the hotel.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.35.

IC 7.1-3-20-19
Hotels within corporate limits

Sec. 19. Hotels Within Corporate Limits. The commission may issue the appropriate permit upon the application of a hotel if the premises to be licensed are situated within the corporate limits of a city or town.

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

IC 7.1-3-20-20
Hotels outside corporate limits

Sec. 20. (a) The commission may issue a three-way permit to a hotel situated outside the corporate limits of an incorporated city or town if the establishment meets the following requirements:

(1) It shall be provided with special space and accommodations where, in consideration of payment, food and lodging are habitually furnished to travelers.

(2) It shall have at least twenty-five (25) adequately furnished and completely separate sleeping rooms with adequate facilities under one (1) roof.

(3) It shall be so disposed that persons usually apply for and receive overnight accommodations in it in the course of usual and regular travel or as a residence.

(4) It shall operate either a:

(A) regular dining room constantly frequented by customers each day; or

(B) room in which continental breakfasts and hors d'oeuvres are served in areas designated as dining rooms.

(5) It shall be sufficiently served by adequate law enforcement at its premises.

(b) This subsection applies to a hotel that qualifies under subsection (a)(4)(B). All laws and commission rules regarding legal serving for alcoholic beverages fully apply to the hotel. Rooms that qualify under subsection (a)(4)(B) qualify as rooms under IC 7.1-5-7-11(a)(16). The commission may adopt rules under IC 4-22-2 concerning floor plans of the hotel.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.36.

IC 7.1-3-20-21
Resort hotels

Sec. 21. (a) In order to be considered a "resort hotel" within the meaning of this title and to be eligible to receive an appropriate resort hotel permit under this title, an establishment shall meet the following requirements:

(1) It shall be constantly patronized during a season of at least three (3) months.

(2) It shall have improvements of a least five thousand dollars ($5,000), in value, on the premises.

(3) It shall have at least twenty-five (25), adequately furnished and completely separate sleeping rooms, exclusive of any

basement rooms, with adequate facilities.

(4) It shall be so disposed that persons usually apply for and receive overnight accommodations in it.

(5) It shall have either a:

(A) regular dining room frequented by customers each day during which the resort hotel is open to the public; or

(B) room in which continental breakfasts and hors d'oeuvres are served in areas designated as dining rooms.

(6) It shall be located on one (1) premises.

(7) It shall be operated by one (1) person, or under one (1) management.

(8) It shall be a permanent structure of at least two (2) stories, exclusive of the basement.

(9) It shall be reasonably fire-proof.

(10) It shall be sufficiently responsible to discharge all of its obligations under the law to its guests and it shall have kept a register of its guests.

(11) It shall have been in active operation for a period of three (3) years immediately prior to the filing of the application for a permit.

(b) This subsection applies to a hotel that qualifies under subsection (a)(5)(B). All laws and commission rules regarding legal serving for alcoholic beverages fully apply to the hotel. Rooms that qualify under subsection (a)(5)(B) qualify as rooms under IC 7.1-5-7-11(a)(16). The commission may adopt rules under IC 4-22-2 concerning floor plans of the hotel.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.37.

IC 7.1-3-20-22

Resort hotels; seasonal permits

Sec. 22. Resort Hotels: Seasonal Permits. The commission may grant a seasonal permit to a resort hotel upon the application of its owner or manager if he possesses the same qualifications that are required for the issuance of corresponding permits to other applicants. The seasonal permit shall entitle the permittee to sell beer, liquor, or wine, from the fifteenth day of April to the fifteenth day of October, both dates inclusive.

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

IC 7.1-3-20-23

Hotels; in-room vending units

Sec. 23. (a) As used in this section, "in-room vending unit" means a closed container that is:

(1) located in a guest room of a hotel; and

(2) used for the storage and dispensing of food or beverage (alcoholic or nonalcoholic).

(b) The holder of a retailer's permit that is issued to a hotel may dispense alcoholic beverages in individual portions to registered hotel guests through in-room vending units.

(c) Access to the interior of an in-room vending unit must be:

(1) restricted by a locking device, the opening of which requires use of a key, magnetic card, or similar device; or

(2) controlled at all times by the holder of a retailer's permit that is issued to a hotel.

(d) Alcoholic beverages may be dispensed through in-room vending units only:

(1) on days and at times when the sale of alcoholic beverages is permitted under this title; and

(2) to persons who are permitted to purchase alcoholic beverages under this title.

(e) A permittee to whom this section applies may provide a key, magnetic card, or similar device required to gain access to the interior of an in-room vending unit only to a person who is:

(1) a registered hotel guest; and

(2) twenty-one (21) years of age or older.

(f) In order to prevent the illegal furnishing of an alcoholic beverage to a minor, a permittee to whom this section applies shall determine that the registered hotel guest is not a minor (as defined in IC 7.1-1-3-25) prior to providing a key, magnetic card, or similar device required to gain access to the interior of an in-room vending unit to that registered hotel guest.

(g) Each employee of a permittee to whom this section applies who handles alcoholic beverages for dispensing through an in-room vending unit must be twenty-one (21) years of age or older and hold an employee's permit issued by the commission under IC 7.1-3-18-9.
As added by P.L.102-1989, SEC.3. Amended by P.L.1-1990, SEC.88.

IC 7.1-3-20-24
Licensed permit premises used exclusively as catering hall

Sec. 24. (a) This section does not affect the requirements necessary to obtain a permit to sell alcoholic beverages on the premises of a licensed premises.

(b) The commission may designate a licensed permit premises used exclusively for catered events as a catering hall.

(c) Catering halls designated under this section are not required to be open to the general public. However, if a designated catering hall desires to host an event that is open to the general public, the catering hall shall comply with the notice requirement under IC 7.1-3-9.5-2. A catering hall with a special three-way catering hall permit under subsection (d) may not be open to the general public.

(d) The commission may issue a special three-way catering hall permit to an applicant to sell alcoholic beverages for on premises consumption on a premises that:

(1) is used only for private catered events as a catering hall; and

(2) has accommodations for at least two hundred fifty (250) individuals.

An applicant who is issued a permit under this subsection is not required to obtain a restaurant permit.

(e) A permit authorized by subsection (d) may be issued without

regard to the quota provisions of IC 7.1-3-22.

(f) The commission shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.51-1994, SEC.9. Amended by P.L.136-2000, SEC.3.

IC 7.1-3-20-24.4

Malls

Sec. 24.4. (a) This section applies only to malls.

(b) As used in this section, "mall" means a retail shopping center that has the following characteristics:

(1) The center consists of an area that:

(A) has been redeveloped or renovated in part with grants from the federal, state, or local government; and

(B) is entirely located within a one-half (1/2) mile radius of the center of a consolidated city.

(2) The center consists of a building or group of buildings that:

(A) contains more than twenty-five (25) retailers; and

(B) is constructed in a manner so that the buildings or retail locations can be accessed without going outside the center.

(c) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of retail space within a mall. The permit may be a single permit even though more than one (1) area constitutes the licensed premises under the permit.

(d) A permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(e) Permits issued under this section may not be transferred to a location outside the mall.

As added by P.L.15-1994, SEC.7.

IC 7.1-3-20-25

City markets

Sec. 25. (a) This section applies only to a city market.

(b) As used in this section, "city market" means a marketplace where spaces are leased for a valuable consideration for the purpose of selling and displaying for sale to the general public items or products approved by the City Market Corporation and that has the following characteristics:

(1) The market consists of an area that:

(A) has been redeveloped or renovated in part with grants from the federal, state, or local government; and

(B) is entirely located within a one-half (1/2) mile radius of the center of a consolidated city.

(2) The market consists of a building or group of buildings that:

(A) contains more than ten (10) retailers; and

(B) is constructed in a manner so that the buildings or retail locations can be accessed without going outside the market.

(c) The commission may issue a three-way permit to sell alcoholic beverages for consumption on the licensed premises to an applicant

who is the proprietor, as owner or lessee, or both, of retail space within a city market. The holder of a permit issued under this section may sell beer and wine for carryout. The permit may be a single permit even though more than one (1) area constitutes the licensed premises under the permit.

(d) A permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(e) Permits issued under this section may not be transferred to a location outside the city market.

As added by P.L.15-1994, SEC.8. Amended by P.L.64-2011, SEC.1.

IC 7.1-3-20-26

Permit for historic theater

Sec. 26. (a) The commission may issue a one-way, two-way, or three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the owner of an indoor theater that:

(1) is located in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); and

(2) has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended. A permit issued under this subsection may not be transferred.

(b) A permit issued under this section is subject to the quota requirements of IC 7.1-3-22-3.

As added by P.L.10-2010, SEC.8. Amended by P.L.119-2012, SEC.81.

IC 7.1-3-21

Chapter 21. Restrictions on Issuance of Permits

IC 7.1-3-21-0.1

Certain amendments to chapter do not affect residency requirement for beer wholesaler contracts entered into before July 1, 2004

Sec. 0.1. Notwithstanding the amendments made to sections 3, 5, 5.2, and 5.4 of this chapter by P.L.72-2004, the residency requirement of five (5) years for beer wholesalers under sections 3, 5, 5.2, and 5.4 of this chapter (as those provisions existed on June 30, 2004) shall remain in effect for all contracts entered into before July 1, 2004, under which a permit is to be transferred from an Indiana resident to a person who was not an Indiana resident at the time of execution of the contract.

As added by P.L.220-2011, SEC.174.

IC 7.1-3-21-1

Premises outside corporate limits

Sec. 1. Premises Outside Corporate Limits. The commission shall not issue a permit in respect to premises situated outside the corporate limits of an incorporated city or town except as otherwise specifically provided in this article.

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

IC 7.1-3-21-2

Repealed

(Repealed by P.L.100-1983, SEC.8.)

IC 7.1-3-21-3

Residency requirements

Sec. 3. The commission shall not issue:

(1) an alcoholic beverage retailer's or dealer's permit of any type; or

(2) a liquor wholesaler's permit;

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.8; P.L.72-2004, SEC.12; P.L.165-2006, SEC.28.

IC 7.1-3-21-4

Partnership; qualifications of members

Sec. 4. The commission shall not issue:

(1) a liquor wholesaler's permit; or

(2) an alcoholic beverage retailer's or dealer's permit;

of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.51-1994,

SEC.10; P.L.105-1995, SEC.5; P.L.165-2006, SEC.29.

IC 7.1-3-21-5
Corporations; officer and stockholder qualifications

Sec. 5. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's or dealer's permit of any type; or

(2) a liquor wholesaler's permit;

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

(c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.72-1996, SEC.12; P.L.72-2004, SEC.13; P.L.165-2006, SEC.30.

IC 7.1-3-21-5.2
Limited partnerships; qualifications of persons having partnership interest

Sec. 5.2. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's or dealer's permit of any type; or

(2) a liquor wholesaler's permit;

to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

As added by P.L.51-1994, SEC.11. Amended by P.L.72-1996, SEC.13; P.L.72-2004, SEC.14; P.L.165-2006, SEC.31.

IC 7.1-3-21-5.4
Limited liability companies; manager and member qualifications

Sec. 5.4. (a) The commission shall not issue:

(1) an alcoholic beverage retailer's or dealer's permit of any type; or

(2) a liquor wholesaler's permit;

to a limited liability company unless at least sixty percent (60%) of

the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.

(c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

As added by P.L.51-1994, SEC.12. Amended by P.L.72-1996, SEC.14; P.L.72-2004, SEC.15; P.L.165-2006, SEC.32.

IC 7.1-3-21-6

Exceptions for retail and dealer partnerships, corporations, limited partnerships, and limited liability companies

Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4 of this chapter concerning retail and dealer partnerships, corporations, limited partnerships, and limited liability companies shall not apply to the issuance of:

(1) a dining car permit;
(2) a boat permit;
(3) a drug store permit;
(4) a grocery store permit;
(5) a hotel permit;
(6) an airplane permit;
(7) a gaming site permit;
(8) a horse track permit;
(9) a satellite facility permit; or
(10) a retail permit to an establishment:
  (A) that is sufficiently served by adequate law enforcement at its permit location; and
  (B) whose annual gross food sales at the permit location:
    (i) exceed one hundred thousand dollars ($100,000); or
    (ii) in the case of a new application and as proved by the applicant to the local board and the commission, will exceed two hundred thousand dollars ($200,000) by the end of the two (2) year period from the date of the issuance of the permit.

(b) The commission shall not issue a permit listed in subsection (a) to a foreign:

(1) corporation;
(2) limited partnership; or
(3) limited liability company;

that is not duly qualified to do business in Indiana.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1979, P.L.83, SEC.6; P.L.15-1994, SEC.9; P.L.2-1995, SEC.39; P.L.71-1996, SEC.4; P.L.233-2007, SEC.31.

IC 7.1-3-21-7

Restaurant corporations; exception

Sec. 7. Restaurant Corporations: Exception. The provisions of IC 1971, 7.1-3-21-5, shall not apply to the common stock ownership of a corporation holding a restaurant permit and having less than sixty per cent (60%) resident ownership prior to March 14, 1963.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-21-8
Disclosure of interested parties

Sec. 8. The commission shall not issue an alcoholic beverage permit of any type to a person unless that person has on file with the commission a verified list containing the name and address of each person who is, or will be, financially or beneficially interested in the permit and the business conducted, or to be conducted, under it. At all times, a change in the list shall be filed by the applicant or permittee with the commission within ten (10) days of the date when the change became effective. The lists, together with any changes, shall be kept on file in the office of the commission and they shall be open to public inspection.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.38.

IC 7.1-3-21-9
Public officers

Sec. 9. The commission shall not issue an alcoholic beverage wholesaler's permit of any type to a person who holds an elective or appointive public office which has the responsibility of enforcing the state laws regulating the sale of alcoholic beverage. The commission may issue an alcoholic beverage wholesaler's permit of any type to a person who holds any other appointive or elective public office.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.104-1989, SEC.1.

IC 7.1-3-21-10
Location of premises; disclosure

Sec. 10. (a) An application for a permit for premises situated within a distance of two hundred (200) feet from an elementary or secondary school or church must disclose this fact.

(b) The local board shall state, if required by the commission, in the questionnaire its opinion as to the propriety of granting the particular application.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.52-1994, SEC.6.

IC 7.1-3-21-11
Premises near wall of school or church

Revisor's Note: The version of IC 7.1-3-21-11 appearing in the 2004 Edition of the Indiana Code was printed incorrectly. Use the following version of IC 7.1-3-21-11.

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 (c), 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 a grocery store or drug store 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 written statement of the 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) a church or school that applies for a temporary beer or wine permit.

(d) 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.

(e) 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 may not obtain the waiver allowed under this subsection.

(f) 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 on a subsequent renewal or transfer of ownership.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.77-1997, SEC.1; P.L.204-2001, SEC.39.

IC 7.1-3-21-12
Wagering occupational tax stamp

Sec. 12. Wagering Occupational Tax Stamp. The commission shall not issue a permit to sell alcoholic beverages at retail to a person who holds, owns, or possesses a wagering occupational tax stamp issued by the United States internal revenue authorities.

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

IC 7.1-3-21-13
4-H club exhibits

Sec. 13. 4-H Club Exhibits. The commission shall not issue a temporary beer permit to a person for the express purpose of selling beer at a place where an organized 4-H club association has an exhibit.

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

IC 7.1-3-21-14

Indiana state fair commission permit to sell alcoholic beverages on state fair grounds; permitted activities; requirements

Sec. 14. (a) The commission shall issue a permit for the sale of alcoholic beverages on the Indiana state fair grounds to the Indiana state fair commission.

(b) The holder of a permit under this section is:

(1) entitled to sell alcoholic beverages on the state fair grounds to consumers by the glass;

(2) entitled to permit multiple vendors of the state fair commission with separate permits at different locations on the state fair grounds to sell alcoholic beverages by the glass under the permit;

(3) entitled to receive the permit directly from the commission without local board approval;

(4) not subject to quota restrictions under IC 7.1-3-22-3; and

(5) entitled to allow a minor to be present in the places where alcoholic beverages are sold.

(c) The holder of a permit under this section must comply with the following requirements:

(1) File a floor plan of the premises where alcoholic beverages will be served and consumed.

(2) Provide that service of alcoholic beverages may be performed only by servers certified under IC 7.1-3-1.5.

(3) Allow sales during the times prescribed under IC 7.1-3-1-14.

(4) Prohibit sales prohibited under IC 7.1-5-10-1.

(5) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.165-2006, SEC.33; P.L.28-2014, SEC.1.

IC 7.1-3-21-15

Delinquency in payment of taxes

Sec. 15. (a) The commission shall not issue, renew, or transfer a wholesaler, retailer, dealer, or other permit of any type if the applicant:

(1) is seeking a renewal and the applicant has not paid all the property taxes under IC 6-1.1 and the innkeeper's tax under IC 6-9 that are due currently;

(2) is seeking a transfer and the applicant has not paid all the property taxes under IC 6-1.1 and innkeeper's tax under IC 6-9 for the assessment periods during which the transferor held the permit;

(3) is seeking a renewal or transfer and is at least thirty (30) days delinquent in remitting state gross retail taxes under IC 6-2.5 or withholding taxes required to be remitted under IC 6-3-4; or

(4) is on the most recent tax warrant list supplied to the commission by the department of state revenue.

(b) The commission shall issue, renew, or transfer a permit that the commission denied under subsection (a) when the appropriate

one (1) of the following occurs:

(1) The person, if seeking a renewal, provides to the commission a statement from the county treasurer of the county in which the property of the applicant was assessed indicating that all the property taxes under IC 6-1.1 and, in a county where the county treasurer collects the innkeeper's tax, the innkeeper's tax under IC 6-9 that were delinquent have been paid.

(2) The person, if seeking a transfer of ownership, provides to the commission a statement from the county treasurer of the county in which the property of the transferor was assessed indicating that all the property taxes under IC 6-1.1 and, in a county where the county treasurer collects the innkeeper's tax, the innkeeper's tax under IC 6-9 have been paid for the assessment periods during which the transferor held the permit.

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

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

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

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

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

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

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

As added by P.L.57-1984, SEC.11. Amended by P.L.23-1986, SEC.15; P.L.6-1987, SEC.15; P.L.332-1989(ss), SEC.40; P.L.64-1990, SEC.5; P.L.106-1995, SEC.15; P.L.224-2005, SEC.17; P.L.172-2011, SEC.112; P.L.293-2013(ts), SEC.37.

IC 7.1-3-22

Chapter 22. Quotas on Issuance of Permits

IC 7.1-3-22-1

Brewers' permits limited

Sec. 1. (a) This section applies to a brewer that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana.

(b) The commission may issue and have outstanding only one (1) brewer's permit for each unit of population of this state of one hundred and seventy-five thousand (175,000) or major fraction thereof. The commission, however, shall not issue more than four (4) brewer's permits in the same congressional district.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.88-1993, SEC.3; P.L.186-2011, SEC.6; P.L.71-2012, SEC.4.

IC 7.1-3-22-2

Beer wholesalers' permits limited

Sec. 2. Beer Wholesalers' Permits Limited. The commission may issue only one (1) beer wholesaler's permit in each county in this state. The commission may issue additional beer wholesaler's permits on the basis of one (1) additional permit for each thirty-five thousand (35,000) unit of population, or fraction thereof, in a county whose population exceeds thirty-five thousand (35,000). This section shall not affect the right of renewal, or successive renewals, of a permit in a county in which the quota is now exceeded.

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

IC 7.1-3-22-3

Retailers' permits limited

Sec. 3. (a) The commission may grant only one (1) three-way permit, one (1) two-way permit, and one (1) one-way permit in an incorporated city or town or in an unincorporated town for each one thousand five hundred (1,500) persons, or fraction thereof, residing within the incorporated city or town or the unincorporated town. The commission shall include liquor retailer permits issued to clubs, but not those issued to fraternal clubs, in its quota computation when it is considering an application for a new liquor retailer's permit.

(b) This subsection applies when a city or town annexes into the city or town unincorporated territory where a retailer's permit has been granted before the annexation. The commission may only reclassify a retailer's permit for a premises in the former unincorporated territory as a permit for a premises in an incorporated city or town if the permittee has actually conducted a business of selling alcoholic beverages to customers for consumption on the licensed premises for two (2) consecutive years. The period of two (2) consecutive years may begin to run either before or after the annexation occurs. However, the following apply when a person applies for a retailer's permit after notice of an annexation hearing is made under IC 36-4-3-2.1 and before the annexation occurs:

(1) The commission may grant the permit.
(2) The commission may not reclassify the permit as a permit for a premises in an incorporated city or town.
(3) The permit may be transferred to another person.
(4) The permit may not be transferred to another location.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.245-2001, SEC.1.

IC 7.1-3-22-4
Dealers' permits limited

Sec. 4. (a) The commission may grant:
(1) in an incorporated city or town that has a population of less than fifteen thousand one (15,001):
(A) one (1) beer dealer's permit for each two thousand (2,000) persons, or a fraction thereof; or
(B) two (2) beer dealer's permits;
whichever is greater, within the incorporated city or town;
(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):
(A) one (1) beer dealer's permit for each three thousand five hundred (3,500) persons, or a fraction thereof; or
(B) eight (8) beer dealer's permits;
whichever is greater, within the incorporated city or town; and
(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):
(A) one (1) beer dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or
(B) twenty-three (23) beer dealer's permits;
whichever is greater, within the incorporated city or town.

(b) The commission may grant:
(1) in an incorporated city or town that has a population of less than fifteen thousand one (15,001):
(A) one (1) liquor dealer's permit for each two thousand (2,000) persons, or a fraction thereof; or
(B) two (2) liquor dealer's permit;
whichever is greater, within the incorporated city or town;
(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):
(A) one (1) liquor dealer's permit for each three thousand five hundred (3,500) persons, or a fraction thereof; or
(B) eight (8) liquor dealer's permits;
whichever is greater, within the incorporated city or town; and
(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):
(A) one (1) liquor dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or
(B) twenty-three (23) liquor dealer's permits;
whichever is greater, within the incorporated city or town.

(c) The commission may grant in an area in the county outside an incorporated city or town:

(1) one (1) beer dealer's permit for each two thousand five hundred (2,500) persons, or a fraction thereof, or two (2) beer dealer's permits, whichever is greater; and

(2) one (1) liquor dealer's permits for each two thousand five hundred (2,500) persons, or a fraction thereof, or two (2) liquor dealer's permits, whichever is greater;

within the area in a county outside an incorporated city or town.

(d) Notwithstanding subsections (a), (b), and (c), the commission may renew or transfer a beer dealer's or liquor dealer's permit for a beer dealer or liquor dealer that:

(1) held a permit before July 1, 2008; and

(2) does not qualify for a permit under the quota restrictions set forth in subsection (a), (b), or (c).

(e) Notwithstanding subsection (a) or (c), the commission may grant not more than two (2) new beer dealer's permits or five percent (5%) of the total beer dealer permits established under the quota restrictions set forth in subsection (a) or (c), whichever is greater, for each of the following:

(1) An incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (a).

(2) An area in a county outside an incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (c).

(f) Notwithstanding subsection (b) or (c), the commission may grant not more than two (2) new liquor dealer's permits or five percent (5%) of the total liquor dealer permits established under the quota restrictions set forth in subsection (b) or (c), whichever is greater, for each of the following:

(1) An incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (b).

(2) An area in a county outside an incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (c).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.94-2008, SEC.46.

IC 7.1-3-22-5

Package liquor store dealer's permit; renewal

Sec. 5. (a) The commission may issue only one (1) package liquor store dealer's permit in an incorporated city or town for each eight thousand (8,000) persons, or fraction thereof, within the incorporated city or town.

(b) Notwithstanding subsection (a), the commission may renew a package liquor store dealer's permit for an applicant who:

(1) held a permit before July 1, 1997; and

(2) does not qualify for a permit under the quota requirements

of subsection (a).
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.74-1997, SEC.2.

IC 7.1-3-22-6
Hotels excluded from quota

Sec. 6. Hotels Excluded from Quota. A three-way permit, heretofore or hereafter, issued to a permittee whose licensed premises consist of a hotel and which premises are located within an incorporated city or town, shall not be included in the quota of three-way permits that may be issued lawfully to premises located within one (1) incorporated city, town, or unincorporated town.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-22-7
Existing permits unaffected

Sec. 7. Existing Permits Unaffected. The provisions of IC 1971, 7.1-3-22-3–7.1-3-22-5, shall apply only to applications for new permits and they shall not affect existing permits and transfers of them, whether from person to person or location to location, nor shall they effect any of the limitations, rights and privileges reserved to package liquor store dealers, or special types or kinds of retailer's permits, nor the restrictions on the issuance of permits to premises situated outside an incorporated city or town.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-22-8
Quota determination; restrictions; permissible geographic location

Sec. 8. In making quota determinations under this article, the population of a consolidated city is the population of its fire special service district, except to the extent that the case of Indiana Alcoholic Beverage Commission v. Baker (1972), 153 Ind.App. 118, 286 N.E.2d 174, has determined otherwise. However, the number of liquor dealer's permits issued to proprietors of package liquor stores located in the fire special service district may not exceed the number issued as of January 1, 1977. For purposes of this article relating to the permissible geographic location of package liquor store dealer permit holders, the area of a consolidated city is the area of the entire county.
As added by Acts 1980, P.L.8, SEC.66.

IC 7.1-3-22-9
Bidding for permits; fees; rules

Sec. 9. (a) This section applies to any permit that is subject to the quota provisions of this chapter unless that permit is obtained by sale, assignment, or transfer under IC 7.1-3-24.

(b) Whenever a permit to which this chapter applies becomes available, the commission shall offer an opportunity to bid for that permit to all persons who are qualified to receive that permit and who have indicated a desire to obtain that permit. The commission

shall receive bids at an auction that it conducts. The highest bidder at the commission's auction who is qualified to receive the permit in all respects (including a determination by the local board that the person is of good moral character and good repute in the community in which that person resides) is entitled to receive the permit. This bidder shall pay the amount of the bid at the time the permit is issued as a special fee for initial issuance of the permit.

(c) The special fee for initial issuance of a permit that is prescribed by this section is in addition to any other fees imposed by this title.

(d) All fee revenues collected under this section are subject to IC 7.1-4-7-4.

(e) The commission shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.32-1988, SEC.2.

IC 7.1-3-22-10

City or town purchasing permit issued in excess of quota; return and retirement of permit

Sec. 10. (a) This section applies to a permit subject to a quota under this article that:

(1) exceeds the permissible number of permits under the quota; and

(2) is eligible for renewal by law despite the permit exceeding the quota.

(b) A city or town may purchase a permit described in subsection (a) from the permit holder. The purchase price must be agreed to by:

(1) the permit holder; and

(2) the executive (as defined in IC 36-1-2-5) of the respective city or town, with the approval of the legislative body (as defined in IC 36-1-2-9) of the respective city or town.

(c) The executive of a city or town that purchases a permit under subsection (b) shall return the permit to the commission.

(d) The commission shall retire a permit received under subsection (c) and may not issue to another person a permit received under subsection (c).

As added by P.L.66-1998, SEC.1.

IC 7.1-3-23

Chapter 23. Denial, Suspension, and Revocation of Permits

IC 7.1-3-23-1

No right to compel issuance

Sec. 1. No Right to Compel Issuance. An applicant for a permit of any type authorized by this title shall have no right to compel the issuance of a permit to him unless otherwise provided in this title. *(Formerly: Acts 1973, P.L.55, SEC.1.)*

IC 7.1-3-23-2

Fine, suspension, and revocation

Sec. 2. (a) The commission may:

(1) fine or suspend or revoke the permit of; or

(2) fine and suspend or revoke the permit of;

a permittee for the violation of a provision of this title or of a rule or regulation of the commission. The commission may fine a permittee for each day the violation continues if the violation is of a continuing nature.

(b) The commission shall revoke the permit of a permittee for the violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4. A finding that a permittee has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 must be supported by a preponderance of the evidence. *(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.227-2007, SEC.62; P.L.3-2008, SEC.69.*

IC 7.1-3-23-3

Maximum penalties

Sec. 3. The commission, pursuant to section 2 of this chapter, may impose upon a permittee the following civil penalties:

(1) An amount of not more than four thousand dollars ($4,000) for each violation if the permittee is a brewer, an artisan distiller, or a distiller.

(2) An amount of not more than two thousand dollars ($2,000) for each violation if the permittee is a wholesaler of any type.

(3) An amount of not more than one thousand dollars ($1,000) for each violation if the permittee is the holder of a permit of a type not listed in subdivision (1) or (2).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.32-1988, SEC.3; P.L.109-2013, SEC.4.

IC 7.1-3-23-4

Additional fine

Sec. 4. The commission, if a fine imposed pursuant to IC 7.1-3-23-2 is not paid according to the order of commission, may suspend or add to the period of suspension of a permit in the following increments:

(1) A period of one (1) day for each one hundred dollars ($100) remaining unpaid if the permittee is a brewer, an artisan distiller, or a distiller.

(2) A period of one (1) day for each fifty dollars ($50) remaining unpaid if the permittee is a wholesaler of any type.
(3) A period of one (1) day for each twenty-five dollars ($25) remaining unpaid if the permittee is the holder of a permit of a type not listed in subdivision (1) or (2).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.109-2013, SEC.5.

IC 7.1-3-23-5
Revocation of permits

Sec. 5. The commission shall revoke a permit of any type only on account of the violation of, or refusal to comply with, a provision of this title or of a rule or regulation of the commission, or on account of a violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4. A finding that a permittee has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 must be supported by a preponderance of the evidence.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.227-2007, SEC.63.

IC 7.1-3-23-6
Revocation of permits; procedure

Sec. 6. Revocation of Permits: Procedure. The commission shall give at least ten (10) days notice to the holder of the permit proposed to be revoked. The notice shall inform the holder of the time and place of the hearing to be held in regard to the proposed revocation. Unless otherwise provided in this title, all further procedures with reference to the revocation of a permit shall be prescribed by rule and regulation of the commission.

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

IC 7.1-3-23-7
Suspension; general rule

Sec. 7. (a) Except as provided in subsection (b), the commission, after notice and hearing, and for cause other than that expressly provided in this title, may suspend a permit to manufacture, transport or sell alcoholic beverages for not longer than thirty (30) days for the violation of a provision of this title, or for the failure or the refusal to comply with a rule or regulation of the commission.

(b) This subsection applies to an individual charged with a Class B misdemeanor for violating IC 7.1-5-10-15(a). Upon receiving notice of charges filed under IC 7.1-5-10-15(a), the commission:

(1) shall hold a hearing under section 6 of this chapter; and
(2) may suspend the permit of the individual charged with the violation until disposition of the charges.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.125-2000, SEC.3.

IC 7.1-3-23-8
Procedure applicable

Sec. 8. A proceeding before the commission which could result in

the revocation or suspension in excess of three (3) days of the permit of a permittee authorized to sell alcoholic beverages at retail shall be conducted in the manner prescribed in section 6 of this chapter.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.100-1983, SEC.2; P.L.7-1987, SEC.8.

IC 7.1-3-23-9
Judicial review

Sec. 9. Whenever the permit of a permittee authorized to sell alcoholic beverages at retail is revoked or suspended in excess of three (3) days by action of the commission, the aggrieved permittee may seek judicial review of the action by following IC 4-21.5-5, except that the action for judicial review shall be filed in the circuit or superior court having jurisdiction in the county in which the licensed premises are located.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.100-1983, SEC.3; P.L.7-1987, SEC.9.

IC 7.1-3-23-10
Repealed

(Repealed by P.L.100-1983, SEC.8.)

IC 7.1-3-23-11
Nonrenewal; judicial review available

Sec. 11. Whenever an application for the renewal of a permit to sell alcoholic beverages at retail, except a temporary beer or wine permit, is denied by the commission, the applicant may seek judicial review of that action by following IC 4-21.5-5, except that the action for judicial review shall be filed in the circuit or superior court having jurisdiction in the county in which the licensed premises are located. However, this section shall not apply to a denial of a transfer of a permit to either another holder or location, or both.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.59, SEC.6.) As amended by P.L.7-1987, SEC.10.

IC 7.1-3-23-12
Cessation of qualifications

Sec. 12. Cessation of Qualifications. The commission may revoke the permit of a permittee if he at any time ceases to possess any of the qualifications, including the alteration or cessation of the particular business or type of business then engaged in, which qualifies him to hold that permit, required for the issuance of that particular type of permit under this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-13
Location of premises

Sec. 13. Location of Premises. The commission may void a permit issued upon an application not fully disclosing the true facts in respect to the location of the premises for which the permit applied

for is to be applicable.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-14
Revocation for refusal to allow examination

Sec. 14. Revocation for Refusal to Allow Examination. The commission shall revoke the permit of a person, or refuse to issue a permit to a person, who refuses to permit the lawful examination of his books, papers, and records, or the investigation and examination of his premises by the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-15
Repealed

(Repealed by P.L.250-2003, SEC.18.)

IC 7.1-3-23-16
Revocation upon conviction

Sec. 16. The commission may revoke a wholesaler's, retailer's, or dealer's permit of any type after final judgment of conviction for an offense defined in this title. The commission may revoke the permit of a wholesaler, retailer, or dealer upon a second violation of a provision of this title whether a judgment of conviction ensues or not.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.250-2003, SEC.12.

IC 7.1-3-23-17
Revocation for possession of wagering stamps

Sec. 17. Revocation for Possession of Wagering Stamp. The commission shall revoke the permit of a retail permittee who purchases, holds, or has in his possession a wagering occupational tax stamp issued by the United States internal revenue authorities.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-18
Repealed

(Repealed by P.L.159-2014, SEC.3.)

IC 7.1-3-23-19
Revocation for allowing minor on premises

Sec. 19. Revocation for Allowing Minor on Premises. The commission shall revoke the permit of a person who violates a provision of IC 1971, 7.1-5-7-14, and that person shall be ineligible to obtain another permit thereafter.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-20
Revocation for false information of interested parties

Sec. 20. The commission shall deny the application, or revoke the

permit, of a person who:

(1) includes on the list of interested parties required to be filed by IC 7.1-3-21-8, a:

(A) fictitious name; or

(B) a person disqualified under this title from having an interest in an alcoholic beverage permit; or

(2) omits from the list the name of a person whose name should be on it.

The commission shall take the same action if the applicant or permittee fails to keep the list current as required by that section.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.40.

IC 7.1-3-23-21
Revocation upon petition

Sec. 21. Revocation upon Petition. The commission shall revoke the permit of a retail permittee upon the petition of sixty-six per cent (66%) of the registered voters of a township or precinct stating that the permittee within that township or precinct has been convicted, either before a court or the commission, of a violation of a provision of this title. However, this section shall not apply to the permit of a bona fide fraternal club.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-22
Contents of petition

Sec. 22. Contents of Petition. The petition authorized by IC 1971, 7.1-3-23-21, shall be addressed to the commission and shall specify the name and business address of the permittee against whom the petition is directed. The petition shall bear on each page the name and address of the circulator of the petition, who shall be a registered voter in the particular township or precinct, together with the notorized attestation of the circulator that the signatures obtained on the petition were obtained only after a full and clear explanation of the purpose of the petition. The petition also shall bear the certification of the clerk of the circuit court of the county in which the township or precinct is located attesting that the signatures on the petition are those of duly registered voters of the particular township or precinct together with a statement by the clerk as to the total vote cast in that township or precinct for the office of secretary of state in the last preceding general election for that office.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-23
Revocation for prohibited interest; beer

Sec. 23. (a) This section applies to a brewer that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana.

(b) The commission shall revoke the permit of a brewer or beer wholesaler who holds an interest in another permit in violation of

IC 7.1-5-9-3.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.88-1993, SEC.4; P.L.186-2011, SEC.7; P.L.71-2012, SEC.5.

IC 7.1-3-23-24
Revocation for prohibited interest; liquor

Sec. 24. Revocation for Prohibited Interest. The commission shall revoke the permit of a distiller, rectifier, or liquor wholesaler who holds an interest in another permit in violation of IC 1971, 7.1-5-9-6.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-25
Revocation for violation of agreement

Sec. 25. Revocation for Violation of Agreement. The commission, after notice and hearing, may suspend for no more than thirty (30) days, or revoke, an agreement and bond filed pursuant to IC 1971, 7.1-3-2-4, and 7.1-3-2-5, if the principal violates his agreement with the commission. The commission also may take action on the bond if it revokes the agreement. A principal whose agreement and bond is suspended or revoked by the commission may seek judicial review of that action as provided in this chapter.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-26
Repealed

(Repealed by P.L.100-1983, SEC.8.)

IC 7.1-3-23-26.1
Violations related to minors and alcohol server training; revocation or suspension of permit; fines; written findings and conclusions

Sec. 26.1. (a) A retailer permittee or dealer permittee who violates IC 7.1-3-1.5-13, IC 7.1-5-7-4, or IC 7.1-5-7-8 through IC 7.1-5-7-13 may be fined, have the permittee's permit suspended, or be fined and have the permittee's permit suspended, as determined by the commission; however, if the penalty imposed by the commission exceeds a fine and three (3) day suspension, the commission must issue written findings of fact and conclusions which show the necessity of the penalty. If the retailer or dealer permittee commits a subsequent violation of the provisions listed in this subsection within twelve (12) months of the first violation, the commission may fine the permittee, fine the permittee and suspend the permittee's permit, or revoke the permittee's permit; however, if the penalty exceeds a fine and suspension of more than fifteen (15) days, the commission must issue written findings of fact and conclusions which show the necessity of the penalty.

(b) The holder of an employee permit who violates IC 7.1-5-7-4 or IC 7.1-5-7-8 through IC 7.1-5-7-13 may be fined, have the permittee's permit suspended, be both fined and have the permittee's permit suspended, or have the permittee's permit revoked, as

determined by the commission.
As added by P.L.100-1983, SEC.4. Amended by P.L.161-2005, SEC.2.

IC 7.1-3-23-27
Revocation for violation of order

Sec. 27. Revocation for Violation of Order. The commission may revoke the permit of a permittee for the violation of an order entered by it pursuant to IC 1971, 7.1-2-7. A revocation under this section may be made after not less than ten (10) days' notice to the permittee. The notice shall inform the permittee of the time and place of the hearing to be held in regard to the proposed revocation. The further procedure in regard to a revocation under this section shall be prescribed in the rules and regulations of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-28
Revocation for violation of injunction

Sec. 28. Revocation Re Violation of Injunction. The commission may suspend or revoke the permit of a permittee if the court finds that the permittee has violated any of the provisions of an injunction issued by it under the provisions of IC 1971, 7.1-3-3-17.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-29
Revocation for taxes and bonds

Sec. 29. Revocation Re Taxes and Bonds. The commission may revoke the permit of a manufacturer or wholesaler of alcoholic beverages for the failure to pay the taxes when required to do so by this title, or for the failure to keep in force the bond required of the applicant for his particular permit. The action of the commission in these matters shall be final.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-30
Denial of wholesalers' permit

Sec. 30. Denial of Wholesalers' Permit. The commission shall not deny, fail to renew, or revoke a wholesaler's permit of any type on arbitrary, capricious, or political grounds.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-31
Appeal by applicant for wholesalers' permit

Sec. 31. An applicant aggrieved by the action of the commission in denying, failing to renew, or revoking, a wholesaler's permit of any type, contrary to the provisions of IC 7.1-3-23-30, shall have the right to secure a review of that determination by petition to the superior court of Marion County under the same conditions and in the same manner and mode of procedure as provided in this chapter for other appeals. The court shall, from the evidence presented,

determine if the applicant has been denied a permit or renewal, or has had his permit revoked, on arbitrary, capricious, or political grounds and if the court determines that the permit or renewal was improperly denied or revoked, the court shall issue a writ of mandate ordering the commission to issue, renew, or reinstate the permit. However, either party shall have the right of appeal from the judgment of the superior court of Marion County as an appeal is taken in a civil action.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.141-2007, SEC.1.

IC 7.1-3-23-32
Notice to permittee in certain cases

Sec. 32. Notice to Permittee in Certain Cases. The commission shall give notice of its proposed action to the applicant or permittee if the commission determines not to issue or renew a manufacturer's or wholesaler's permit, or if the commission determines to take action to revoke or suspend a manufacturer's or wholesaler's permit after it has been issued.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-33
Right to a public hearing

Sec. 33. Right to a Public Hearing. A person who receives a notice given pursuant to IC 1971, 7.1-3-23-32, shall have the right to a public hearing at the time and place fixed in the notice and he shall be permitted to be heard and offer evidence. The evidence may be written, in the form of affidavits, or parol. Unless the commission provides a reporter to take and transcribe the parol evidence, the notice shall inform the person that no reporter will be provided but that he has the right to have a reporter present at his own expense. The evidence, transcribed and verified by the reporter, or the written evidence offered and accepted by the commission, or both, shall be filed and become a part of the record of the proceedings.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-34
Final action of commission

Sec. 34. Final Action of Commission. The commission shall take final action within ten (10) days after the hearing and enter an appropriate order in the matter and shall notify the applicant, or permittee, of its action by registered mail.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-35
Court review available

Sec. 35. Court Review Available. The applicant, or permittee, within ten (10) days of the receipt of the commission's notice of final action, may appeal to the circuit or superior court of Marion County, from the final order of the commission denying, suspending, or

revoking his manufacturer's or wholesaler's permit of any type. However, an applicant for the original issue or renewal of a wholesaler's permit shall have the right to appeal to the superior court of Marion County but not to the circuit court of Marion County.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-36
Initiation of appeal

Sec. 36. Initiation of Appeal. The appeal shall be taken by the applicant, or permittee, by filing written notice of his intention to appeal from the final order of the commission to the appropriate court, and by filing a bond with the commission in the penal sum of one thousand dollars ($1,000), conditioned that he will prosecute his appeal to effect, and will pay the costs of the proceedings upon appeal, and that he will pay all necessary expenses incurred by the commission as a result of the appeal if the order of the commission is affirmed.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-37
Appeal bond

Sec. 37. Appeal Bond. The appeal bond filed with the commission by an applicant, or permittee, shall be a corporate bond secured by a surety company duly authorized to do business in Indiana, or by freehold sureties, shown by verification or otherwise, to be worth in unencumbered real estate located within the county of the applicant, or permittee, appealing, over and above all indebtedness, twice the amount of the bond.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-38
Transmission of record

Sec. 38. Transmission of Record. The commission, within ten (10) days after the filing of the notice of appeal and the appeal bond with the commission, shall transmit the papers, files, written evidence and the transcript of the hearing, to the clerk of the court to which the appeal is taken. The entire contents of the record transmitted by the commission shall be duly verified by certificate of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-39
Stay of suspension or revocation; general rule

Sec. 39. Stay of Suspension or Revocation: General Rule. The final order of revocation or suspension entered by the commission shall be stayed for ten (10) days from the date of the final order whenever a manufacturer's or wholesaler's permit of any type is revoked or suspended for more than fifteen (15) days by order of the commission.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-40
Stay pending appeal

Sec. 40. Stay Pending Appeal. The final order of suspension or revocation shall be stayed, when the proper procedures for taking an appeal have been complied with, until the appeal has been disposed of finally, or until the appeal has been dismissed for lack of prosecution.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-41
Trial

Sec. 41. Trial. The action shall be entered upon the civil docket of the court to which the appeal is taken naming the appellant applicant, or permittee, as plaintiff, and the commission as defendant. No formal pleadings shall be required and the case shall be set for hearing by the court, without a jury, as soon as possible. The cause may be determined upon hearing upon the evidence offered before the commission and as certified by the commission, or additional evidence may be offered by either party. The court shall enter an order, after the hearing, sustaining or setting aside the final order of the commission. If the court sets aside an order of the commission denying a permit, the court, in its order, shall direct the issuance of the permit.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-42
Continued operations during stay

Sec. 42. Continued Operations During Stay. A permittee during the period that the order of suspension or revocation is stayed under IC 1971, 7.1-3-23-39, or 7.1-3-23-40, shall be fully authorized and entitled to continue to do business under his permit as though his permit had not been suspended or revoked and without being liable in any manner, criminally or civilly, on the ground of operating his business without a proper permit.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-23-43
Suspension of permit for failure to pay seller of permit

Sec. 43. (a) The commission may suspend the permit of a permit holder if:

(1) the permit holder has not paid the person who sold the permit to the permit holder in accordance with the terms of the sale;

(2) the seller of the permit receives a judgment against the permit holder in an action to obtain payment for the permit in accordance with the terms of the sale; and

(3) the seller of the permit sends a certified copy of the judgment to the commission.

(b) Before suspending a certificate under this section, the commission shall provide written notice to the permit holder and

conduct a hearing. The commission shall provide written notice of the suspension to the permit holder.

(c) If a person who sells a permit:

(1) sends a judgment to the commission under subsection (a); and

(2) subsequently receives full payment of the judgment;

the seller shall notify the commission in a manner prescribed by the commission that the seller has received full payment of the judgment not later than ten (10) days after receiving the payment.

As added by P.L.224-2005, SEC.18.

IC 7.1-3-23-44

Employee's permit; support order; notice; probationary status; appeal; reinstatement

Sec. 44. (a) As used in this section, "bureau"refers to the child support bureau of the department of child services establish by IC 31-25-3-1.

(b) As used in this section, "delinquent" has the meaning set forth in IC 4-35-2-3.5.

(c) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(k), the commission shall send to the person who is the subject of the order a notice that includes the following information:

(1) The person is delinquent and subject to an order placing the person on probationary status.

(2) That unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to a permit issued to the person under IC 7.1-3-18-9(a)(3).

(3) The person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) The only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) The procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(6) The probation will end ten (10) business days after the date

that the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(d) If the commission is advised by the bureau that the obligor either requested a hearing and failed to appear or appeared and was found to be delinquent, the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a permit issued to the person under IC 7.1-3-18-9(a)(3) has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will end ten (10) business days after the date that the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commission is advised by the bureau that the person whose permit has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's permit.

(e) If a person whose permit has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (c) is mailed, the commission shall suspend the person's permit.

(f) The commission may not reinstate a permit placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.80-2010, SEC.10.

IC 7.1-3-23-45

Employee's permit; duties of commission upon receipt of support order; notice; reinstatement

Sec. 45. (a) Upon receiving a court order issued under

IC 31-16-12-13 (or IC 31-14-12-10 before its repeal), the commission shall:

(1) suspend the employee's permit of; or

(2) deny an employee's permit or the renewal of an employee's permit to;

the person who is the subject of the order.

(b) Upon receiving a court order issued under IC 31-16-12-13 (or IC 31-14-12-10 before its repeal), the commission shall promptly mail a notice to the last known address of the person who is the subject of the order that states the following:

(1) That the:

(A) person's employee's permit has been suspended, beginning five (5) business days after the date the notice is mailed; and

(B) suspension will end ten (10) business days after the commission receives an order from the court that ordered the suspension authorizing reinstatement of the person's employee's permit.

(2) That the person has the right to petition for reinstatement of the employee's permit to the court that ordered the suspension.

(c) The commission may not reinstate an employee's permit suspended under this section until the commission receives an order from the court that ordered the suspension authorizing reinstatement of the person's employee's permit.

As added by P.L.80-2010, SEC.11. Amended by P.L.207-2013, SEC.6.

IC 7.1-3-24

Chapter 24. Transfer of Permits; Deceased or Bankrupt Permittees

IC 7.1-3-24-1

General rule

Sec. 1. General Rule. The holder of a permit of any type may not sell, assign or transfer that permit to another person except as expressly authorized by this title. The holder of a permit of any type may not transfer that permit from one (1) location to another unless authorized in special instances to be fixed by rule or regulation of the commission.

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

IC 7.1-3-24-2

Ordinary transfers authorized

Sec. 2. Ordinary Transfers Authorized. The transfer of a permit from one (1) holder to another holder, or from one (1) location to another location, may be made if the permit has at least three (3) months of unexpired term remaining.

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

IC 7.1-3-24-3

Ordinary transfers; restrictions

Sec. 3. A transfer authorized by section 2 of this chapter is subject to the following restrictions:

(1) It shall be made upon the terms and under the rules and regulations that the commission may prescribe.

(2) The application for the transfer shall conform in respect to notice and publication and investigation before the local board as in the case of an original application for a permit.

(3) It shall be subject to the advance payment of the advance cost fee under IC 7.1-4-4.1-6.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.41.

IC 7.1-3-24-4

Posting of bond

Sec. 4. Posting of Bond. The chairman shall require bond to be furnished in the case of the sale, assignment, or transfer of a permit if bond is required to be furnished in the case of an original application for that particular type of permit.

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

IC 7.1-3-24-5

Deceased permittee

Sec. 5. Deceased Permittee. A duly appointed and qualified administrator or executor of the estate of a deceased permittee, may, with the approval of the court, continue the business conducted by the deceased permittee under the permit held by him if the

administrator or executor, either himself or by an agent, also to be approved by the court, applies for and obtains the written consent of the chairman.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-24-6
Qualifications of successors

Sec. 6. Qualifications of Successors. The administrator or executor, or agent, must have the same qualifications to hold the permit of the deceased permittee that this title otherwise requires of an applicant for that particular type of permit. That the administrator, executor, or agent has these qualifications shall be established by a finding of the court having jurisdiction and a copy of these findings shall accompany the application for the written consent of the chairman.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-24-7
Surviving spouse or heir

Sec. 7. Surviving Spouse or Heir. The surviving spouse or heir of a deceased permittee may be permitted to continue the business conducted by the deceased permittee, without probate proceedings, if the consent of the department of local government finance is procured, and if the court having probate jurisdiction shall find that the surviving spouse or heir of the deceased permittee possesses the qualifications required of an applicant for that particular type of permit. A surviving spouse or heir who desires to carry on the business of the deceased permittee, as authorized by this section, must apply for and receive the written consent of the chairman. A copy of the court's findings on the qualifications of the applicant must accompany the application for written consent.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.90-2002, SEC.308.

IC 7.1-3-24-8
Bankrupt permittee

Sec. 8. Bankrupt Permittee. A receiver or trustee in bankruptcy of the business or property of a permittee, acting under the jurisdiction of a court of record of this state, or a United States court, may continue the business conducted by the permittee, with the approval of the court having jurisdiction, by applying for and receiving the written consent of the chairman and if he is otherwise duly qualified to hold the permit as if he were himself applying for it. The qualifications of the applicant may be established by a finding of the court having jurisdiction. A copy of the court's findings on the qualifications shall accompany the application for written consent.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-24-9
No local board proceedings in certain cases

Sec. 9. No Local Board Proceedings in Certain Cases. A proceeding before the local board, an advertisement, or a hearing shall not be necessary in a transfer authorized by IC 1971, 7.1-3-24-5, 7.1-3-24-7, or 7.1-3-24-8.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-24-10
Reissuance of permits

Sec. 10. Reissuance of Permits. A permit held by a deceased or bankrupt permittee may be reissued as other permits are authorized in this title to be reissued if the permit is not transferred by sale or otherwise with the consent of the chairman before its expiration. The reissuance shall be made only upon the approval of the court having jurisdiction of the trust of the applicant if the reissuance is to be made to an administrator, executor, or his agent, or a receiver or trustee in bankruptcy. A sale or assignment of the permit shall first be approved by the court, and only to a person qualified to hold it under this title. Before the transfer shall legally entitle the purchaser or assignee to operate under it, the applicant must show the chairman that he is duly competent and qualified, the same as though he were the original applicant for it. If the applicant is duly competent and qualified the chairman may approve the sale or transfer and the commission may issue a permit to the purchaser or assignee. The commission shall not reissue a permit to any premises other than those to which the permit was applicable when held by the decedent or bankrupt.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-24-11
Surrender of permits

Sec. 11. The administrator or executor of the estate of a deceased permittee may surrender the permit to the commission and it shall be canceled. No part of the fee for the permit shall be refunded.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.42.

IC 7.1-3-24-12
Permittee of mentally incompetent

Sec. 12. The provisions of this chapter relating to the sale or transfer of a permit belonging to a deceased permittee apply in the case of the appointment of a guardian for a mentally incompetent person. A permit belonging to a mentally incompetent person may be disposed of and transferred in the same manner and to the same extent as that provided in the case of a deceased permittee.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.33-1989, SEC.6.

IC 7.1-3-25

Chapter 25. Product Transfer Between Wholesalers

IC 7.1-3-25-1

"Existing wholesaler"

Sec. 1. As used in this chapter, "existing wholesaler" means a beer wholesaler who distributes a product at the time a successor primary source of supply acquires rights to a product under section 5 of this chapter.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-2

"Product"

Sec. 2. As used in this chapter, "product" means an existing brand of:

(1) beer (as defined in IC 7.1-1-3-6); or

(2) flavored malt beverage (as defined in IC 7.1-1-3-16.7).

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-3

"Successor"

Sec. 3. As used in this chapter, "successor" means a primary source of supply that acquires rights to a product under section 5 of this chapter.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-4

"Successor's designee"

Sec. 4. As used in this chapter, "successor's designee" means one (1) or more beer wholesalers designated by a successor to replace the existing wholesaler, for all or part of the existing wholesaler's territory, in the distribution of the existing product.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-4.5

Transfer of products meeting sales percentage threshhold prohibited

Sec. 4.5. (a) Except as provided in subsection (b), a successor, upon acquiring products, shall:

(1) reappoint the existing wholesaler for:

(A) all acquired products; and

(B) the territories covered by the existing wholesaler for the products; or

(2) comply with this chapter to transfer the products to another wholesaler.

(b) If the products acquired by a successor represent at least fifteen percent (15%) of an existing wholesaler's dollar sales in the twelve (12) months preceding the closing of the transaction in which the successor acquires the products, the successor:

(1) shall reappoint the existing wholesaler for:

(A) all acquired products; and
(B) the territories covered by the existing wholesaler for the products; and
(2) may not transfer the product to another wholesaler.
As added by P.L.11-2009, SEC.1.

IC 7.1-3-25-5
Successor requirements
Sec. 5. A successor:
(1) who acquires the rights to manufacture or distribute an existing product; and
(2) who:
(A) does not reappoint the existing wholesaler to distribute the product;
(B) reduces the existing wholesaler's territory for the product; or
(C) offers to compensate the existing wholesaler in an amount less than the fair market value determined under section 7 of this chapter;
must comply with this chapter. A successor's designee must also comply with this chapter.
As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-6
Notice to wholesaler of change in territory
Sec. 6. The successor shall notify the existing wholesaler of the successor's intent not to appoint the existing wholesaler for all or a part of the existing wholesaler's territory for the product not later than sixty (60) days after the closing of the transaction in which the successor acquires the product. The successor shall mail the notice by certified mail, return receipt requested, to the existing wholesaler. The successor shall include in the notice the names, addresses, and telephone numbers of the successor's designees.
As added by P.L.224-2005, SEC.19. Amended by P.L.11-2009, SEC.2.

IC 7.1-3-25-7
Determination of fair market value of wholesaler's distribution rights
Sec. 7. A successor's designee shall negotiate with the existing wholesaler to determine the fair market value of the existing wholesaler's right:
(1) to distribute the product in the existing wholesaler's territory immediately before the successor acquired rights to the product under section 5 of this chapter; and
(2) as determined in an arms length transaction entered into without duress or threat of termination of the initial wholesaler's right described in subdivision (1).
As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-8
Territory continues until compensation received

Sec. 8. The existing wholesaler shall continue to distribute the product until payment of the compensation agreed to under section 7 of this chapter or awarded under section 11 of this chapter is received.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-9
Arbitration

Sec. 9. (a) The successor's designee and the existing wholesaler shall negotiate in good faith. If the parties fail to reach an agreement not later than thirty (30) days after the existing wholesaler receives the notice under section 6 of this chapter, the successor's designee or the existing wholesaler may send a written notice to the:

(1) other party; and

(2) American Arbitration Association or its successor in interest;

declaring the party's intention to proceed with final and binding arbitration administered by the American Arbitration Association under the American Arbitration Association's Commercial Arbitration Rules.

(b) Notice of intent to arbitrate shall be sent, as provided in subsection (a), not later than thirty-five (35) days after the existing wholesaler receives notice under section 6 of this chapter. The arbitration proceedings shall conclude not later than forty-five (45) days after the date the notice of intent to arbitrate is mailed to a party.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-10
Location of arbitration proceedings; general provisions

Sec. 10. (a) The arbitration shall be conducted in the city within Indiana that:

(1) is closest to the existing wholesaler; and

(2) has a population of more than fifty thousand (50,000).

(b) The arbitration shall be conducted before one (1) impartial arbitrator to be selected by the American Arbitration Association. The arbitration shall be conducted in accordance with the rules and procedures of the American Arbitration Association.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-11
Monetary award only

Sec. 11. The arbitrator's award must be monetary only and may not enjoin or compel conduct. The arbitration is instead of all other remedies and procedures.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-12

Arbitration costs; decision of arbitrator binding

Sec. 12. (a) The cost of the arbitrator and any other direct costs of the arbitration shall be equally divided by the parties engaged in the arbitration. All other costs shall be paid by the party incurring them.

(b) The arbitrator shall render a decision not later than thirty (30) days after the conclusion of the arbitration unless this time period is extended by mutual agreement of the parties or by the arbitrator. The decision of the arbitration is final and binding on the parties. Under no circumstances may the parties appeal the decision of the arbitrator.

(c) A party who fails to participate in the arbitration hearings waives all rights the party would have had in the arbitration and is considered to have consented to the determination of the arbitrator.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-13

Failure to receive compensation

Sec. 13. If the existing wholesaler does not receive payment of the compensation under section 7 or 11 of this chapter not later than thirty (30) days after the date of the settlement or arbitration award:

(1) the existing wholesaler shall remain the distributor of the product in the existing wholesaler's territory to at least the same extent that the existing wholesaler distributed the product immediately before the successor acquired rights to the product; and

(2) the existing wholesaler is not entitled to the settlement or arbitration award.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-14

Good faith settlements not prohibited

Sec. 14. Nothing in this chapter shall be construed to limit or prohibit good faith settlements voluntarily entered into by the parties.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-25-15

Not applicable to wholesaler's breach of distribution agreement

Sec. 15. Nothing in this chapter shall be construed to give the existing wholesaler or a successor wholesaler any right to compensation if the existing wholesaler or successor wholesaler is terminated by the primary source of supply or predecessor source supplier either for failure to comply with any provision in the agreement to distribute the product or in accordance with IC 7.1-5-5-9.

As added by P.L.224-2005, SEC.19.

IC 7.1-3-26
Chapter 26. Direct Wine Seller's Permit

IC 7.1-3-26-1
Applicability
Sec. 1. This chapter does not apply to the serving or selling of:
(1) wine in accordance with IC 7.1-3-12; or
(2) brandy in accordance with IC 7.1-3-7.5.
As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-2
"Applicant"
Sec. 2. As used in this chapter, "applicant" means a person that applies to the commission for a direct wine seller's permit.
As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-3
"Consumer"
Sec. 3. As used in this chapter, "consumer" means an individual with an Indiana address who purchases wine from a seller.
As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-4
"Seller"
Sec. 4. As used in this chapter, "seller" means the holder of a direct wine seller's permit issued under this chapter.
As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-5
Direct wine seller requirements
Sec. 5. (a) A person located within Indiana or outside Indiana that wants to sell and ship wine directly to a consumer must be the holder of a direct wine seller's permit and comply with this chapter. A person that sells and ships wine directly to a consumer without holding a valid direct wine seller's permit commits a Class A infraction.
(b) The offense described in subsection (a) is:
(1) a Class A misdemeanor if the seller:
(A) knowingly or intentionally violates this section; and
(B) has one (1) prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and
(2) a Level 6 felony if the seller:
(A) knowingly or intentionally violates this section; and
(B) has at least two (2) prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent

conviction or judgment for an infraction.

As added by P.L.165-2006, SEC.34. Amended by P.L.159-2014, SEC.4.

IC 7.1-3-26-6

Consumer qualifications

Sec. 6. (a) A seller may sell and ship wine directly only to a consumer who meets all of the following requirements:

(1) The consumer is at least twenty-one (21) years of age.

(2) The consumer has an Indiana address.

(3) The consumer intends to use wine purchased under this chapter for personal use only and not for resale or other commercial purposes.

(4) Except as provided in subdivision (5), the consumer has provided to the seller in one (1) initial face-to-face transaction at the seller's place of business appearing on the seller's application for a direct wine seller's permit or any locations authorized by IC 7.1-3-12-5 all the following:

(A) Name, telephone number, Indiana address, or consumer's Indiana business address.

(B) Proof of age by a state issued driver's license or state issued identification card showing the consumer to be at least twenty-one (21) years of age.

(C) A verified statement, made under penalties for perjury, that the consumer satisfies the requirements of subdivisions (1) through (3).

(5) If:

(A) before April 1, 2006, the consumer has engaged in a transaction with a seller in which the seller sold wine to the consumer and, after April 1, 2006, but before December 31, 2006, the consumer provides the seller with a verified statement, made under penalties for perjury, that the consumer is at least twenty-one (21) years of age; and

(B) the seller provides the name and Indiana address of the consumer to the commission before January 15, 2007;

the seller may sell directly to the consumer in accordance with this chapter.

(b) A seller who violates this section commits a Class A infraction. However, the offense is:

(1) a Class A misdemeanor if the seller:

(A) knowingly or intentionally violates subsection (a)(1) through (a)(4); and

(B) has one (1) prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and

(2) a Level 6 felony if the seller:

(A) knowingly or intentionally violates subsection (a)(1) through (a)(4); and

(B) has at least two (2) prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction.

(c) It is a defense to an action or prosecution under this section that the seller obtained from the consumer the verified statement required under subsection (a)(4) or (a)(5).

As added by P.L.165-2006, SEC.34. Amended by P.L.159-2014, SEC.5.

IC 7.1-3-26-7

Qualifications of applicant for direct wine seller permit

Sec. 7. (a) The commission may issue a direct wine seller's permit to an applicant who meets all of the following requirements:

(1) The applicant is domiciled and has its principal place of business in the United States.

(2) The applicant is engaged in the manufacture of wine.

(3) The applicant holds and acts within the scope of authority of an alcoholic beverage license or permit to manufacture wine that is required:

(A) in Indiana or the state where the applicant is domiciled; and

(B) by the Tax and Trade Bureau of the United States Department of the Treasury.

(4) The applicant qualifies with the secretary of state to do business in Indiana and consents to the personal jurisdiction of the commission and the courts of Indiana.

(5) The applicant files a surety bond with the commission in accordance with IC 7.1-3-1, or deposits cash in an escrow account with the commission, in the amount required of an applicant for a vintner's permit under IC 7.1-3-1-7.

(6) The applicant:

(A) has not distributed wine through a wine wholesaler in Indiana within the one hundred twenty (120) days immediately preceding the applicant's application for a direct wine seller's permit and does not distribute wine through a wine wholesaler in Indiana during the term of the direct wine seller's permit; or

(B) has operated as a farm winery under IC 7.1-3-12.

(7) The applicant completes documentation regarding the applicant's application required by the commission.

(b) The commission may issue a direct wine seller's permit to an applicant who:

(1) meets the requirements under subsection (a); and

(2) holds a permit issued under this title that allows the sale of an alcoholic beverage at retail.

As added by P.L.165-2006, SEC.34. Amended by P.L.54-2008, SEC.3; P.L.186-2011, SEC.8.

IC 7.1-3-26-8
Permit expiration, renewal, and fee

Sec. 8. (a) The term of a direct wine seller's permit begins:

(1) the date approved by the commission for an initial application; and

(2) on July 1 to renew a permit;

and expires on June 30 of the following year. A direct wine seller's permit may be renewed in accordance with rules adopted by the commission.

(b) The annual direct wine seller's permit fee is one hundred dollars ($100).

As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-9
Direct wine seller; conditions and requirements

Sec. 9. A direct wine seller's permit entitles a seller to sell and ship wine to a consumer by receiving and filling orders that the consumer transmits by electronic or other means if all of the following conditions are satisfied before the sale or by the times set forth as follows:

(1) The consumer provides the direct wine seller with the following:

(A) The verification required by section 6(4) of this chapter in an initial face-to-face transaction.

(B) Notwithstanding clause (A), if the consumer provided the information specified in section 6(5)(A) of this chapter after April 1, 2006, but before December 31, 2006, and the seller provides the name and Indiana address of the consumer under section 6(5)(B) of this chapter to the commission before January 15, 2007, the consumer is not required to comply with section 6(4) of this chapter.

(2) The direct wine seller meets the following requirements:

(A) Maintains for two (2) years all records of wine sales made under this chapter. If the records are requested by the commission, a direct wine seller shall:

(i) make the records available to the commission during the direct wine seller's regular business hours; or

(ii) at the direction of the commission, deliver copies to the commission.

(B) Stamps, prints, or labels on the outside of the shipping container the following: "CONTAINS WINE. SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY.".

(C) Causes the wine to be delivered by the holder of a valid carrier's alcoholic beverage permit under IC 7.1-3-18.

(D) Directs the carrier to verify that the individual personally receiving the wine shipment is at least twenty-one (21) years of age.

(E) Does not ship to any consumer more than two hundred sixteen (216) liters of wine in any calendar year.

(F) Remits to the department of state revenue monthly all Indiana excise, sales, and use taxes on the shipments made into Indiana by the direct wine seller during the previous month.

(G) Ships to a consumer in Indiana only wine manufactured, produced, or bottled by the applicant.

As added by P.L.165-2006, SEC.34. Amended by P.L.186-2011, SEC.9.

IC 7.1-3-26-10

Direct sales of brandy prohibited

Sec. 10. (a) Except as provided in subsection (b), the holder of a farm winery brandy distiller's permit that ships brandy produced under this title to a consumer commits a Class A infraction.

(b) The offense described in subsection (a) is:

(1) a Class A misdemeanor if the seller:

(A) knowingly or intentionally violates this section; and

(B) has one (1) prior unrelated conviction or judgment for an infraction under this chapter for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction; and

(2) a Level 6 felony if the seller:

(A) knowingly or intentionally violates this section; and

(B) has at least two (2) prior unrelated convictions or judgments for infractions under this chapter for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction.

As added by P.L.165-2006, SEC.34. Amended by P.L.159-2014, SEC.6.

IC 7.1-3-26-11

Consumer information

Sec. 11. A consumer shall provide a direct wine seller with information the direct wine seller reasonably requires, including the consumer's name, Indiana address, telephone number, and other information required by the commission.

As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-12

Annual limit on seller's direct wine sales in Indiana

Sec. 12. During a permit year, a direct wine seller may not direct ship in Indiana more than twenty-seven thousand (27,000) liters of wine.

As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-13

Delivery to consumer or individual at least 21 years of age

Sec. 13. A wine shipment purchased under this chapter must be

delivered to:

(1) the consumer, who shall take personal delivery of the shipment at the:

(A) consumer's residence;

(B) consumer's business address;

(C) carrier's business address; or

(D) address displayed on the shipping container; or

(2) an individual who is at least twenty-one (21) years of age, who shall take personal delivery of the shipment at the:

(A) consumer's residence;

(B) consumer's business address;

(C) carrier's business address; or

(D) address designated by the consumer and displayed on the shipping container.

As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-14

Annual limit on wine received by a consumer

Sec. 14. A consumer may not receive more than two hundred sixteen (216) liters of wine in total from one (1) or more direct wine sellers in a calendar year.

As added by P.L.165-2006, SEC.34.

IC 7.1-3-26-15

Repealed

(Repealed by P.L.159-2014, SEC.7.)

IC 7.1-3-26-16

Repealed

(Repealed by P.L.159-2014, SEC.8.)

IC 7.1-3-27

Chapter 27. Artisan Distiller's Permit

IC 7.1-3-27-1

"Artisan distiller"

Sec. 1. As used in this chapter, "artisan distiller" means a person who holds an artisan distiller's permit under this title.

As added by P.L.109-2013, SEC.6.

IC 7.1-3-27-2

Issuance of permit

Sec. 2. The commission may issue an artisan distiller's permit as provided in this chapter to a person who desires to commercially manufacture liquor.

As added by P.L.109-2013, SEC.6.

IC 7.1-3-27-3

Gallonage limit

Sec. 3. (a) An artisan distiller may produce not more than ten thousand (10,000) gallons of liquor in any calendar year. Liquor produced by an artisan distiller that is sold through a wholesaler licensed under IC 7.1-3-8 may not be counted toward the gallonage limit.

(b) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.9.

IC 7.1-3-27-4

Federal permit required

Sec. 4. The commission may issue an artisan distiller's permit to a person if the person is qualified to obtain the necessary permit or license from the United States to own or operate an establishment to manufacture liquor.

As added by P.L.109-2013, SEC.6.

IC 7.1-3-27-5

Eligibility requirements

Sec. 5. (a) Except as provided in section 7 of this chapter, an applicant for an artisan distiller's permit must meet all the following requirements to be eligible for an artisan distiller's permit:

(1) The permit applicant must hold one (1) of the following permits for the three (3) year period immediately preceding the date of the application:

(A) A farm winery permit under IC 7.1-3-12.

(B) A brewer's permit for a brewery described in IC 7.1-3-2-7(5).

(C) A distiller's permit under IC 7.1-3-7.

(2) The permit applicant may not have more than one (1) violation of this title during the three (3) year period

immediately preceding the date of the application.

(3) The permit applicant may not have any violation of this title during the twelve (12) month period immediately preceding the date of the permit application.

(b) As used in this subsection, "qualifying permit" means a farm winery, brewer's, or distiller's permit under subsection (a)(1)(A), (a)(1)(B), or (a)(1)(C) that is required in order to hold an artisan distiller's permit. The same persons must directly or indirectly own and control one hundred percent (100%) of the entity that holds the qualifying permit and the artisan distiller's permit.

As added by P.L.109-2013, SEC.6.

IC 7.1-3-27-6

Holding other permits

Sec. 6. (a) A holder of an artisan distiller's permit may also hold one (1) of the following:

(1) A farm winery permit.

(2) A brewer's permit for a brewery described in IC 7.1-3-2-7(5).

(3) A distiller's permit under IC 7.1-3-7.

(b) A holder of an artisan distiller's permit who also holds a permit described under subsection (a)(2) may hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant as described in IC 7.1-3-2-7(5)(C).

As added by P.L.109-2013, SEC.6. Amended by P.L.70-2014, SEC.2.

IC 7.1-3-27-7

Exception to permit eligibility requirements

Sec. 7. (a) This section applies only to a person that, on January 1, 2014:

(1) holds the necessary permit or license from the United States to own or operate an establishment to manufacture liquor; and

(2) does not hold any of the permits listed in section 5(a)(1) of this chapter.

(b) A person must meet all the following requirements to be eligible for an artisan distiller's permit under this section:

(1) Any person (except for a person under subdivision (2)) who sells or furnishes liquor by the bottle or glass on the premises of the artisan distillery:

(A) must have held for at least three (3) years an employee permit under IC 7.1-3-18-9 that authorizes the person to perform bartending duties;

(B) must have completed any alcohol server program or alcohol server training program refresher courses required under IC 7.1-3-1.5; and

(C) may not have any violations under this title.

(2) The applicant for the artisan distiller's permit and any management representative of the applicant must complete an alcohol server program or a trainer program established or approved under IC 7.1-3-1.5-5.5 or IC 7.1-3-1.5-6 not more than

one (1) year before the date of the application for the artisan distiller's permit.

(c) Except as provided in subsection (f)(2), the person may not be required to fulfill the requirements of section 5 of this chapter.

(d) If the person is issued an artisan distiller's permit under this section, the person must meet the following requirements for the period set forth in subsection (e):

(1) Any person selling or furnishing liquor on the premises of the artisan distillery (except for a person under subsection (b)(2)) must meet the requirements of subsection (b)(1).

(2) The holder of the artisan distiller's permit and any management representative of the holder of the artisan distiller's permit must successfully complete refresher courses under IC 7.1-3-1.5 not later than three (3) years after the date the holder or representative completes the initial server program or trainer program.

(e) A person who is issued an artisan distiller's permit under this section must meet the requirements in subsection (d) until the later of:

(1) three (3) years after the date on which the initial artisan distiller's permit is issued; or

(2) the date that the holder of the artisan distiller's permit has one (1) twelve (12) month period without a violation of this title.

(f) Upon fulfilling the requirements of subsections (d) and (e), a person who is issued an artisan distiller's permit under this section must meet the following requirements for as long as the person holds the permit:

(1) Any person who sells or furnishes liquor on the premises of the artisan distillery (except for a person under subsection (b)(2)) must have an employee permit under IC 7.1-3-18-9 and be otherwise authorized by the commission to perform bartending duties. However, the person is not required to:

(A) hold an employee bartending permit for three (3) years before selling or furnishing liquor; and

(B) not have any violations under this title.

(2) The holder of the artisan distiller's permit and any management representative of the holder of the artisan distiller's permit are subject to the same alcohol server training requirements and refresher course requirements as the holder of an artisan distiller's permit that meets the requirements of section 5 of this chapter.

As added by P.L.109-2013, SEC.6.

IC 7.1-3-27-8
Scope of permit

Sec. 8. (a) The holder of an artisan distiller's permit may do only the following:

(1) Manufacture liquor, including blending liquor purchased from another manufacturer with liquor the artisan distiller

manufactures under section 11 of this chapter.

(2) Bottle liquor manufactured by the artisan distiller.

(3) Store liquor manufactured by the artisan distiller.

(4) Transport, sell, and deliver liquor manufactured by the artisan distiller to:

(A) places outside Indiana; or

(B) the holder of a liquor wholesaler's permit under IC 7.1-3-8.

(5) Sell liquor manufactured by the artisan distiller to consumers by the drink, bottle, or case from the premises of the distillery where the liquor was manufactured.

(6) Serve complimentary samples of the liquor manufactured by the artisan distiller to consumers on the premises of the distillery where the liquor was manufactured.

(b) The holder of an artisan distiller's permit who provides samples or sells liquor by the glass must furnish the minimum food requirements prescribed by the commission.

(c) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.10.

IC 7.1-3-27-9

Prohibited sales

Sec. 9. (a) An artisan distiller may not sell liquor to a retailer or dealer.

(b) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.11.

IC 7.1-3-27-10

Shipping to consumers prohibited

Sec. 10. (a) An artisan distiller may not ship liquor or cause liquor to be shipped to a consumer.

(b) An artisan distiller who knowingly or intentionally violates this section commits a Class B misdemeanor.

As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.12.

IC 7.1-3-27-11

Sale of blended liquor

Sec. 11. (a) An artisan distiller may blend liquor that the artisan distiller obtains from another manufacturer with liquor that the artisan distiller manufactures. The artisan distiller may sell the blended liquor as liquor that the artisan distiller manufactures only if the final product contains at least sixty percent (60%) of liquor that was fermented and distilled from raw materials by the artisan distiller at the licensed premises of the artisan distiller.

(b) An artisan distiller who knowingly or intentionally sells

blended liquor that contains less than sixty percent (60%) of liquor that was fermented and distilled from raw materials by the artisan distiller at the licensed premises of the artisan distiller commits a Class B misdemeanor.
As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.13.

IC 7.1-3-27-12
Holder of artisan distiller permit and farm winery permit

Sec. 12. (a) This section applies only to a person who:
(1) holds an artisan distiller's permit; and
(2) holds an interest in a farm winery permit under IC 7.1-3-12.

(b) An artisan distiller may:
(1) serve samples of liquor that the artisan distiller manufactures; and
(2) sell bottles and cases of liquor that the artisan distiller manufactures;

on the licensed premises where the wine is manufactured only if the wine is manufactured on the same premises where the artisan distiller manufactures liquor.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor.
As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.14.

IC 7.1-3-27-13
Holder of artisan distiller permit and brewer's permit

Sec. 13. (a) This section applies only to a person who:
(1) holds an artisan distiller's permit; and
(2) holds an interest in a brewer's permit for a brewery described in IC 7.1-3-2-7(5).

(b) An artisan distiller may:
(1) serve samples of liquor that the artisan distiller manufactures; and
(2) sell bottles and cases of liquor that the artisan distiller manufactures;

on the licensed premises where the beer is manufactured only if the beer is manufactured on the same premises where the artisan distiller manufactures liquor.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor.
As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.15.

IC 7.1-3-27-14
Holder of artisan distiller permit and distiller permit

Sec. 14. (a) This section applies only to the holder of an artisan distiller's permit that also holds an interest in a distiller's permit under IC 7.1-3-7.

(b) An artisan distiller may not:

(1) serve complimentary samples of liquor; and
(2) sell liquor;
manufactured under the distiller's permit issued under IC 7.1-3-7 on the premises of the artisan distillery or at any other location that the holder of the artisan distiller's permit is authorized to sell and serve samples of liquor manufactured under the artisan distiller's permit.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor.
As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.16.

IC 7.1-3-27-15
Permit term; annual fee

Sec. 15. (a) An artisan distiller's permit shall be issued for a period of two (2) years.

(b) The commission shall charge a permit fee of two hundred fifty dollars ($250) annually to the holder of an artisan distiller's permit. The holder of an artisan distiller's permit shall pay the permit fee to the chairman on the anniversary of the date of the issuance of the original permit.

(c) A person who knowingly or intentionally engages in an activity requiring an artisan distiller's permit without possessing a valid artisan distiller's permit commits a Class B misdemeanor.
As added by P.L.109-2013, SEC.6. Amended by P.L.159-2014, SEC.17.

IC 7.1-4

ARTICLE 4. REVENUE AND TAXES

IC 7.1-4-1

Repealed

(Repealed by P.L.204-2001, SEC.68.)

IC 7.1-4-2

Chapter 2. Beer Excise Tax

IC 7.1-4-2-1

Rate of tax

Sec. 1. An excise tax, referred to as the beer excise tax, at the rate of eleven and one-half cents ($.115) a gallon is imposed upon the sale of beer or flavored malt beverage within Indiana.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.8.) As amended by Acts 1981, P.L.103, SEC.1; P.L.72-1996, SEC.15.

IC 7.1-4-2-2

Persons liable for tax

Sec. 2. (a) Except as provided in subsections (b) and (c), a brewer is liable for the beer excise tax on the sale or gift, or withdrawal for sale or gift, of beer or flavored malt beverage by the brewer to a person within Indiana.

(b) In the case of a beer wholesaler receiving beer or flavored malt beverage from a brewer located outside of Indiana, the beer wholesaler, not the brewer, is liable for the beer excise tax imposed upon the transaction.

(c) In the case of a wine wholesaler receiving, selling, or giving flavored malt beverage within Indiana, the wine wholesaler, not the brewer, is liable for the beer excise tax imposed upon the transaction.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.58-1984, SEC.5; P.L.72-1996, SEC.16.

IC 7.1-4-2-3

Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-4-2-4

Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-4-2-5

Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-4-2-6

Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-4-2-7

Copy of invoice

Sec. 7. Copy of Invoice. A brewer or beer wholesaler in this state, when he delivers beer to a person, shall make a true duplicate invoice showing the date of delivery, the amount and value of the shipment and the name of the purchaser. The brewer or wholesaler shall give one (1) copy of the invoice to the purchaser, and he also shall retain

one (1) copy for the use and inspection of the commission and the department, for a period of two (2) years. A beer wholesaler shall keep, and retain for a period of two (2) years, a copy of all invoices for beer purchased or received by him.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.9.)

IC 7.1-4-2-8
Tax refund

Sec. 8. A beer wholesaler within Indiana who receives beer or flavored malt beverage upon which the beer excise tax has been paid shall be entitled to a refund of the amount of the tax on all tax-paid beer or flavored malt beverage shipped from Indiana by the wholesaler for sale outside Indiana or sold within Indiana under circumstances exempting the beer or flavored malt beverage from the excise tax. The department shall promulgate rules and regulations governing the form of application for and the evidence required to establish the right to a refund.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.10.) As amended by P.L.72-1996, SEC.17.

IC 7.1-4-2-8.1
Repealed

(Repealed by P.L.103-1987, SEC.3.)

IC 7.1-4-2-9
Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-4-3

Chapter 3. Liquor Excise Tax

IC 7.1-4-3-1

Rate of tax

Sec. 1. Rate of Tax. An excise tax at the rate of two dollars and sixty-eight cents ($2.68) a gallon is imposed upon the sale, gift, or the withdrawal for sale or gift, of liquor and wine that contains twenty-one percent (21%), or more, of absolute alcohol reckoned by volume.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.11.) As amended by Acts 1977(ss), P.L.9, SEC.5; Acts 1981, P.L.103, SEC.2.

IC 7.1-4-3-2

Persons liable for tax

Sec. 2. The liquor excise tax shall be levied against a permittee who holds an artisan distiller's permit, a distiller's permit, a rectifier's permit, a liquor wholesaler's permit, a dining car liquor permit, a vintner's permit, a wine wholesaler's permit, a dining car wine permit, or a boat wine permit, whether the sale or gift, or withdrawal for sale or gift, is to a person authorized to purchase or receive it or not. However, the same article shall be taxed only once for liquor excise tax purposes.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.12.) As amended by P.L.109-2013, SEC.7.

IC 7.1-4-3-3

Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-4-3-4

Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-4-3-5

Transactions exempt from tax

Sec. 5. Transactions Exempt from Tax. The liquor excise tax shall not apply to the sale for delivery outside this state, or the withdrawal for sale for delivery outside this state, of liquor and wine that contains more than twenty-one percent (21%) of absolute alcohol reckoned by volume. The liquor excise tax shall not apply to the sale or withdrawal for sale of wine to a pastor, rabbi, or priest for sacramental or religious purposes only.

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

IC 7.1-4-3-6

Repealed

(Repealed by Acts 1978, P.L.51, SEC.8.)

IC 7.1-4-3-7

Necessity of invoice; contents

Sec. 7. (a) All sales of alcoholic beverages made by a primary source of supply to a liquor wholesaler shall at the time of the sale be accompanied by an invoice that must show the following:

(1) The name and address of the seller and the purchaser.

(2) The date of disposition.

(3) The name or names of each brand sold.

(4) The number of packages, if any.

(5) The number of cases by size of bottle.

(6) The quantity of each kind of alcoholic beverage sold.

(b) The primary source of supply shall send a copy of the invoice to the department of revenue and the commission at the time of the sale.

As added by P.L.57-1984, SEC.12.

IC 7.1-4-4

Chapter 4. Wine Excise Tax

IC 7.1-4-4-1

Rate of tax

Sec. 1. An excise tax at the rate of forty-seven cents ($0.47) a gallon is imposed upon the manufacture and sale or gift, or withdrawal for sale or gift, of wine, except hard cider, within this state.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.13; Acts 1975, P.L.73, SEC.1.) As amended by Acts 1981, P.L.103, SEC.3; P.L.104-1987, SEC.2; P.L.119-1998, SEC.23.

IC 7.1-4-4-2

Beverages to which tax is applicable

Sec. 2. Beverages to Which Tax is Applicable. The wine excise tax shall apply to wine that contains less than twenty-one percent (21%), of absolute alcohol reckoned by volume. The wine excise tax also shall apply to an alcoholic beverage that contains fifteen percent (15%), or less, of absolute alcohol reckoned by volume, mixed with either carbonated water or other potable ingredients, or both, by either the manufacturer or the bottler, or both of them, and sold in a container filled by the manufacturer or bottler, and which is suitable for immediate consumption directly from the original container. An alcoholic beverage that is subject to the wine excise tax shall not be also subject to the liquor excise tax.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.14.)

IC 7.1-4-4-3

Persons liable for tax

Sec. 3. Persons Liable for Tax. The wine excise tax shall be paid by the holder of a vintner's permit, a farm winery permit, a wine wholesaler's permit, a dining car wine permit, or a boat wine permit on the alcoholic beverage to which the tax is applicable and which has been manufactured or imported by him into this state. However, the same article shall be taxed only once for wine excise tax purposes.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.51, SEC.4; P.L.201-1999, SEC.9.

IC 7.1-4-4-4

Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-4-4-5

Power of commission and department

Sec. 5. Power of Commission and Department. The commission and the department shall have the power to prescribe regulations and maintain gauges in a winery, farm winery, or a wholesaler's premises for the proper gauging of the alcoholic beverages to which the wine

excise tax is applicable and the assessment of that tax.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.15.)
As amended by P.L.201-1999, SEC.10.

IC 7.1-4-4-6
Transactions exempt from tax

Sec. 6. Transactions Exempt from Tax. The wine excise tax shall not apply to the sale or withdrawal for sale of wine to a pastor, rabbi, or priest for sacramental or religious purposes only.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-4-4-7
Necessity of invoice; contents

Sec. 7. (a) All sales of alcoholic beverages made by a primary source of supply to a wine wholesaler shall at the time of the sale be accompanied by an invoice that must show the following:

(1) The name and address of the seller and the purchaser.
(2) The date of disposition.
(3) The name or names of each brand sold.
(4) The number of packages, if any.
(5) The number of cases by size of bottle.
(6) The quantity of each kind of alcoholic beverage sold.

(b) The primary source of supply shall send a copy of the invoice to the department of revenue and the commission at the time of the sale.
As added by P.L.57-1984, SEC.13.

IC 7.1-4-4.1

Chapter 4.1. Permit Fees

IC 7.1-4-4.1-0.3

Application of certain fees

Sec. 0.3. A fee imposed under this chapter, as added by P.L.204-2001, applies only to permit applications filed after June 30, 2001. The initial advance cost fee under section 6 of this chapter, as added by P.L.204-2001, is the advance cost fee in effect on June 30, 2001.

As added by P.L.220-2011, SEC.175.

IC 7.1-4-4.1-1

Registration of primary source of supply

Sec. 1. The alcohol and tobacco commission shall issue an annual registration of a primary source of supply (as defined in IC 7.1-1-3-32.5) without charge.

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-2

Supplemental caterer's permit fee

Sec. 2. The fee for a supplemental caterer's permit is one hundred fifty dollars ($150) per year.

As added by P.L.204-2001, SEC.43. Amended by P.L.250-2003, SEC.13.

IC 7.1-4-4.1-3

Employee's permit fee

Sec. 3. The following license fee is imposed for an employee's permit:

(1) Fifteen dollars ($15) if the permit is used only to perform volunteer service that benefits a nonprofit organization.

(2) Forty-five dollars ($45) if subdivision (1) does not apply.

The term of a employee's license is three (3) years.

As added by P.L.204-2001, SEC.43. Amended by P.L.250-2003, SEC.14; P.L.224-2005, SEC.20; P.L.94-2008, SEC.47.

IC 7.1-4-4.1-4

Salesman's license fee

Sec. 4. A biennial license fee of twenty dollars ($20) is imposed for a salesman's license. The term of a biennial salesman's license is two (2) years.

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-5

Temporary permit fees

Sec. 5. (a) This section applies to the following permits:

(1) Temporary beer permit.

(2) Temporary wine permit.

(b) A license fee for a temporary permit is the greater of the

following:

(1) Two dollars ($2) per day of operation.

(2) The amount per day set by the commission under subsection (c).

(c) Subject to any rates or schedules adopted by the commission, the commission may set a higher daily rate for a temporary beer permit under subsection (b)(2) if, in the judgment of the commission, the number of persons likely to be accommodated, or any other facts bearing on the value of the permit warrant the increase. However, the fee may not exceed one thousand dollars ($1,000) per day.

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-6

Advance cost fee for transfers of permits

Sec. 6. The advance cost fee for the transfer of an alcoholic beverage permit from:

(1) one (1) holder to another holder; or

(2) one (1) location to another location;

is two hundred fifty dollars ($250).

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-7

Letter of extension fees

Sec. 7. The fee for:

(1) a letter of extension; and

(2) each renewal of a letter of extension;

is fifty dollars ($50) if the need for the letter of extension, or renewal, is occasioned by the act or omission of the permittee. The commission shall waive the fee for a letter of extension, and a renewal, if the need for the letter of extension, or renewal, is occasioned by the act or omission of the commission, a local board, or a third party unrelated to the permittee involved and not employed by the permittee or under the control of the permittee.

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-8

Carrier's alcoholic permit fee

Sec. 8. The annual license fee for a carrier's alcoholic permit is five dollars ($5).

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-9

Biennial permits; annual permit fees

Sec. 9. (a) This section applies to the following biennial permits:

(1) Beer retailer's permit.

(2) Liquor retailer's permit.

(3) Wine retailer's permit.

(4) One-way permit.

(5) Two-way permit.

(6) Three-way permit.

(7) Airplane beer permit.
(8) Airplane liquor permit.
(9) Airplane wine permit.
(10) Boat beer permit.
(11) Boat liquor permit.
(12) Boat wine permit.
(13) Dining car beer permit.
(14) Dining car liquor permit.
(15) Dining car wine permit.
(16) Hotel seasonal permit.

(b) The commission shall charge a single fee for the issuance of any combination of retailer's permits issued for the same location or conveyance.

(c) An annual permit fee in the following amount is imposed on a retailer:

(1) Five hundred dollars ($500), if the retailer serves only beer or only wine.
(2) Seven hundred fifty dollars ($750), if the retailer serves both beer and wine but no liquor.
(3) One thousand dollars ($1,000), if the retailer serves beer, wine, and liquor.

As added by P.L.204-2001, SEC.43. Amended by P.L.224-2005, SEC.21.

IC 7.1-4-4.1-10
Fraternal club permit fees

Sec. 10. The maximum fee that may be imposed for the issuance of annual permits for a fraternal club is two hundred fifty dollars ($250).

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-11
Airplane, boat, or dining car permit fees

Sec. 11. The maximum fee that may be imposed for the issuance of annual permits for an airplane, a boat, or a dining car is five hundred dollars ($500).

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-12
Dealer's permit fees

Sec. 12. (a) This section applies to the following biennial permits:

(1) Beer dealer's permit.
(2) Liquor dealer's permit.
(3) Malt dealer's permit.
(4) Wine dealer's permit.

(b) The commission shall charge a single fee for the issuance of any combination of dealers' permits issued for the same location. The fee is equal to the sum of the amount determined under subsection (c).

(c) An annual permit fee in the following amount is imposed on

a dealer:

(1) Five hundred dollars ($500), if the dealer sells only beer, only liquor, or only wine.

(2) Seven hundred fifty dollars ($750), if the dealer sells:

(A) both beer and wine but no liquor;

(B) both wine and liquor but no beer; or

(C) both beer and liquor but no wine.

(3) One thousand dollars ($1,000), if the dealer sells beer, wine, and liquor.

As added by P.L.204-2001, SEC.43. Amended by P.L.224-2005, SEC.22.

IC 7.1-4-4.1-13

Wholesaler's permit fees

Sec. 13. (a) This section applies to the following permits:

(1) Beer wholesaler's permit.

(2) Malt wholesaler's permit.

(3) Liquor wholesaler's permit.

(4) Wine wholesaler's permit.

(b) Except as provided in subsection (c), a permit fee of two thousand dollars ($2,000) is annually imposed for the issuance of each of the permits described in subsection (a).

(c) A permit fee of one hundred dollars ($100) is annually imposed for the issuance of a wine wholesaler's permit to a permit applicant who:

(1) has never previously held a wine wholesaler's permit and anticipates selling less than twelve thousand (12,000) gallons of wine and brandy in a year; or

(2) previously held a wine wholesaler's permit and certifies to the commission that the permit applicant sold less than twelve thousand (12,000) gallons of wine and brandy in the previous year.

As added by P.L.204-2001, SEC.43. Amended by P.L.165-2006, SEC.35.

IC 7.1-4-4.1-14

Manufacturer's permit fees

Sec. 14. (a) This section applies to the following permits:

(1) Brewer's permit for the manufacture of more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana.

(2) Distiller's permit.

(3) Malt manufacturer's permit.

(4) Rectifier's permit.

(5) Vintner's permit.

(6) Wine bottler's permit.

(b) A permit fee of two thousand dollars ($2,000) is annually imposed for the issuance of each permit described in subsection (a).

As added by P.L.204-2001, SEC.43. Amended by P.L.186-2011, SEC.10; P.L.71-2012, SEC.6.

IC 7.1-4-4.1-15
Farm winery permit fee

Sec. 15. The annual fee for a farm winery permit is five hundred dollars ($500).

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-16
Brewer's permit fee

Sec. 16. The annual fee for a brewer's permit for the manufacture of not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana is five hundred dollars ($500).

As added by P.L.204-2001, SEC.43. Amended by P.L.186-2011, SEC.11; P.L.71-2012, SEC.7.

IC 7.1-4-4.1-17
Farm winery brandy distiller's permit fee

Sec. 17. The annual license fee for a farm winery brandy distiller's permit is two hundred fifty dollars ($250).

As added by P.L.204-2001, SEC.43.

IC 7.1-4-4.1-18
Duplicate or reissued permit fee

Sec. 18. The fee for a duplicate or reissued permit of any type is ten dollars ($10). The fees collected under this section shall be deposited in the enforcement and administration fund under IC 7.1-4-10.

As added by P.L.250-2003, SEC.15.

IC 7.1-4-4.5

Chapter 4.5. Hard Cider Excise Tax

IC 7.1-4-4.5-1

Rate of tax

Sec. 1. An excise tax at the rate of eleven and one-half cents ($0.115) a gallon is imposed upon the manufacture and sale or gift, or withdrawal for sale or gift, of hard cider within Indiana.

As added by P.L.119-1998, SEC.24.

IC 7.1-4-4.5-2

Applicability of tax

Sec. 2. The hard cider excise tax applies only to hard cider. An alcoholic beverage that is subject to the hard cider excise tax is not subject to the liquor excise tax or the wine excise tax.

As added by P.L.119-1998, SEC.24.

IC 7.1-4-4.5-3

Persons liable for tax

Sec. 3. The hard cider excise tax shall be paid by the holder of a vintner's permit, a farm winery permit, a wine wholesaler's permit, a beer wholesaler's permit, a dining car wine permit, or a boat wine permit on the hard cider to which the tax is applicable and that is manufactured or imported by the person into this state. However, an item may only be taxed once for hard cider excise tax purposes.

As added by P.L.119-1998, SEC.24. Amended by P.L.201-1999, SEC.11; P.L.204-2001, SEC.44.

IC 7.1-4-4.5-4

Gauging alcoholic beverages

Sec. 4. The commission and the department may adopt rules and maintain gauges in a winery, farm winery, or a wholesaler's premises for the proper gauging of the alcoholic beverages to which the hard cider excise tax is applicable and the assessment of that tax.

As added by P.L.119-1998, SEC.24. Amended by P.L.201-1999, SEC.12.

IC 7.1-4-4.5-5

Necessity of invoice; contents

Sec. 5. (a) All sales of hard cider made by a primary source of supply to a wine wholesaler must at the time of the sale be accompanied by an invoice that shows the following:

(1) The name and address of seller and purchaser.
(2) The date of disposition.
(3) The name or names of each brand sold.
(4) The number of packages, if any.
(5) The number of cases by size of bottle.
(6) The quantity of each kind of alcoholic beverage sold.

(b) The primary source of supply shall send a copy of the invoice to the department of revenue and the commission at the time of the

sale.
As added by P.L.119-1998, SEC.24.

IC 7.1-4-5

Chapter 5. Malt Excise Tax

IC 7.1-4-5-1

Rate of tax

Sec. 1. Rate of Tax. An excise tax at the rate of five cents (5¢) a gallon, or fraction of a gallon, is imposed upon the sale, gift, exchange, or barter of liquid malt or wort.

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

IC 7.1-4-5-2

Persons liable for tax

Sec. 2. Persons Liable for Tax. The malt excise tax shall be levied against a permittee who holds a malt manufacturer's permit, a malt wholesaler's permit, or a malt dealer's permit. However, the same article shall be taxed only once for malt excise tax purposes.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.16.)

IC 7.1-4-5-3

Transactions exempt from tax

Sec. 3. Transactions Exempt from Tax. The malt excise tax shall not apply to the sale of liquid malt or wort when it is to be used for medicinal, laboratory, bakery, or confectionery purposes, or for use in malted milk, nor shall the tax apply to these products which are manufactured to be exported and sold outside this state.

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

IC 7.1-4-6

Chapter 6. Administration and Enforcement of Alcoholic Beverage Laws

IC 7.1-4-6-1

Powers of commission and department

Sec. 1. The chairman and the department shall have the power to examine the books, papers, records, and premises of a manufacturer, wholesaler, retailer, dealer, or direct wine seller's permit holder under this title for the purpose of determining whether the excise taxes imposed by this title have been paid fully and whether the provisions of the title are being complied with.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.17.) As amended by P.L.165-2006, SEC.36.

IC 7.1-4-6-2

Penalties for noncompliance

Sec. 2. (a) The presence on the premises of, or the possession by, a person of alcoholic beverages or other articles subject to excise taxes or other fees, and upon which the taxes and fees have not been paid shall impose upon the possessor, or the owner, or person in control, of the premises, the duty to pay all the taxes and fees due and unpaid, even though the presence or the possession is unlawful under this title. In addition, penalties for unpaid fees shall be assessed as follows:

(1) In the case of fraud the department shall assess and collect a penalty in an amount equal to the unpaid fees.

(2) In the case of mistake, inadvertence, or negligence, not amounting to fraud, the department shall assess and collect a penalty in an amount equal to ten percent (10%) of the unpaid fees.

(b) With regard to unpaid taxes described under subsection (a), penalties shall be assessed under IC 6-8.1.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.18.) As amended by Acts 1977, P.L.96, SEC.1; P.L.6-1987, SEC.16; P.L.103-1987, SEC.2; P.L.104-1987, SEC.3.

IC 7.1-4-6-2.1

Rules and regulations to enforce noncompliance penalties

Sec. 2.1. (a) The department shall adopt rules under IC 4-22-2 to govern the assessment and collection of penalties provided in section 2 of this chapter.

(b) The commission may adopt rules under IC 4-22-2 to coordinate compliance with the laws, rules, and administrative policies governing the assessment and collection of sales taxes.

As added by Acts 1977, P.L.96, SEC.2. Amended by P.L.204-2001, SEC.45.

IC 7.1-4-6-3

Collection of excise taxes

Sec. 3. Collection of Excise Taxes. The department shall collect the excise taxes imposed by this title.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.19.)

IC 7.1-4-6-3.5
Collection of excise taxes; electronic filing of returns and remitting of taxes

Sec. 3.5. A person who is liable for the payment of an excise tax levied by this title shall file a monthly return with the department on or before the twentieth day of the month following the month in which the liability for the tax accrues by reason of the manufacture, sale, gift, or the withdrawal for sale or gift, of alcoholic beverages within this state. The return must be filed in an electronic format as prescribed by the department. Payment of the excise tax due shall accompany the return, and shall be remitted electronically. Any other returns or forms required to be filed under this title must also be filed in an electronic format and on a date prescribed by the department.
(Formerly: Acts 1973, P.L.56, SEC.20.) As amended by P.L.166-2014, SEC.36.

IC 7.1-4-6-3.6
Rules and regulations

Sec. 3.6. Rules and Regulations. The department, in consultation with the commission, shall have the power to promulgate rules and regulations governing the use of a unified system of reporting alcoholic beverage excise tax liability and the form of the returns.
(Formerly: Acts 1973, P.L.56, SEC.21.)

IC 7.1-4-6-4
Discount for timely payment

Sec. 4. Discount for Timely Payment. The department shall allow a taxpayer a discount of one and one-half percent (1 1/2%) of the amount of excise taxes otherwise due for the accurate reporting and timely remitting of the excise taxes imposed by this title.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.22.)

IC 7.1-4-6-5
When sale is made

Sec. 5. When Sale is Made. For alcoholic beverage excise tax purposes, a sale shall not be deemed to have been made until the goods leave the custody of the seller.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-4-6-6
Floor stock tax not imposed

Sec. 6. Floor Stock Tax Not Imposed. The provisions of this article shall not be construed as imposing a floor stock tax on the goods held by a permittee of any type under this title.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-4-6-7
Appropriation for administration

Sec. 7. Appropriation for Administration. There shall be an annual appropriation, from the sum of money allocated to the general fund by this title, of a sum of money necessary for the purpose of carrying out the provisions of this title. The claims for operating expenses incurred under the provisions of this title shall be filed with and paid by the state auditor. Equipment shall be purchased only upon a requisition approved by the department of administration.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-4-6-8
Duty of attorney general and local prosecutor

Sec. 8. Duty of Attorney General and Local Prosecutor. If a person who holds a permit under this title fails to account for, or pay over to the chairman or the department, or both, an annual license fee, or excise tax, or other levy imposed by this title, or defaults in a condition of his bond, or if a person, licensed under this title or not, fails or refuses to pay to the chairman or the department an obligation, liability, forfeiture, or penalty imposed upon him by this title, the chairman or the department shall report that fact to the attorney general of Indiana who shall immediately institute the necessary action for the recovery of the sum due the state by reason of this title. The state shall be entitled to all liens and remedies allowed by law for the collection of the sum due the state. It is the duty of the prosecuting attorney of the proper county to assist the attorney general in these matters whenever the attorney general requests his assistance.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.23.)

IC 7.1-4-7

Chapter 7. General Fund Collections and Distributions

IC 7.1-4-7-1

Collection of annual license fees

Sec. 1. The chairman shall collect the required annual license fee paid in connection with the issuance of a brewer's permit, a beer wholesaler's permit, a temporary beer permit, a dining car permit of any type, a boat permit of any type, an artisan distiller's permit, a distiller's permit, a rectifier's permit, a liquor wholesaler's permit, a vintner's permit, a farm winery permit, a farm winery brandy distiller's permit, a wine wholesaler's permit, a wine bottler's permit, a temporary wine permit, a direct wine seller's permit, a salesman's permit, and a carrier's alcoholic permit.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.59, SEC.8.) As amended by Acts 1978, P.L.51, SEC.6; P.L.201-1999, SEC.13; P.L.235-2001, SEC.4; P.L.165-2006, SEC.37; P.L.109-2013, SEC.8.

IC 7.1-4-7-2

Collection of deductions and transfer fees

Sec. 2. Collection of Deductions and Transfer Fees. The chairman shall collect the authorized deduction retained by the state when an application for a permit, of a type listed in IC 1971, 7.1-4-7-1, is denied. The chairman also shall collect the prescribed cost fee paid in connection with the transfer of a permit of a type listed in IC 1971, 7.1-4-7-1.

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

IC 7.1-4-7-3

Miscellaneous collections

Sec. 3. Miscellaneous Collections. The chairman shall collect all other assessments not specifically included in this chapter and not otherwise disposed of by a provision of this title. The chairman or the department shall collect the penalty for the nonpayment of taxes imposed by this title, and a forfeiture not in the nature of a fine or penalty belonging to the common school fund, and the proceeds of a sale or judgment made under or in the enforcement of this title.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.24.)

IC 7.1-4-7-4

Fees deposited in enforcement and administration fund and state general fund

Sec. 4. (a) Except as provided in subsection (b), the chairman and the department shall deposit the money collected under sections 1, 2, and 3 of this chapter daily with the treasurer of state, and not later than the fifth day of the following month shall cover:

(1) thirty-four percent (34%) of the money collected under section 1 of this chapter into the enforcement and administration fund established under IC 7.1-4-10-1; and

(2) sixty-six percent (66%) of the money collected under

section 1 of this chapter and money collected under sections 2 and 3 of this chapter into the state general fund for state general fund purposes.

(b) The chairman and the department shall deposit all money collected under IC 7.1-2-5-3, IC 7.1-2-5-8, IC 7.1-3-17.5, IC 7.1-3-17.7, IC 7.1-3-22-9, and IC 7.1-4-4.1-5 daily with the treasurer of state, and not later than the fifth day of the following month shall cover the money into the enforcement and administration fund established under IC 7.1-4-10-1.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.25.) As amended by P.L.32-1988, SEC.4; P.L.106-1995, SEC.16; P.L.204-2001, SEC.46; P.L.224-2005, SEC.23.

IC 7.1-4-7-5

Deposit of excise taxes in general fund

Sec. 5. The department shall deposit:

(1) four cents ($0.04) of the beer excise tax rate collected on each gallon of beer or flavored malt beverage;

(2) one dollar ($1) of the liquor excise tax rate collected on each gallon of liquor;

(3) twenty cents ($0.20) of the wine excise tax rate collected on each gallon of wine;

(4) the entire amount of malt excise tax collected; and

(5) the entire amount of hard cider excise tax collected;

daily with the treasurer of state and not later than the fifth day of the following month shall cover them into the general fund of the state for distribution as provided in this chapter.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.26.) As amended by P.L.102-1989, SEC.4; P.L.72-1996, SEC.18; P.L.119-1998, SEC.25.

IC 7.1-4-7-6

Distribution of excise revenue to general fund

Sec. 6. Distribution of Excise Revenue to General Fund. The treasurer of the state shall set aside for general fund purposes, fifty percent (50%) of the gross amount of the revenue deposited in the general fund in accordance with the provisions of IC 1971, 7.1-4-7-5.

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

IC 7.1-4-7-7

Distribution of excise revenue to cities and towns

Sec. 7. Distribution of Excise Revenue to Cities and Towns. The treasurer of the state shall set aside for allocation to the cities and towns of this state, fifty percent (50%) of the gross amount of the revenue deposited in the general fund in accordance with the provisions of IC 1971, 7.1-4-7-5.

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

IC 7.1-4-7-8

Basis of allocation to cities and towns

Sec. 8. Basis of Allocation to Cities and Towns. The sum set aside in accordance with the provisions of IC 1971, 7.1-4-7-7, shall be allocated to a city or town upon the basis that the population of that city or town bears to the total population of all cities and towns of this state.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-4-7-9
Time of distribution

Sec. 9. Time of Distribution. The auditor of the state shall, on the first day of April of each year and quarterly thereafter, distribute the funds set aside in accordance with the provisions of IC 1971, 7.1-4-7-7, or the portion of them as reported to him, to the general fund of the treasury of the city or town on the basis provided for in this chapter.
(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-4-8

Chapter 8. Postwar Construction Fund Collections and Distributions

IC 7.1-4-8-1

Deposit of excise taxes in fund

Sec. 1. The department shall:

(1) deposit daily with the treasurer of state:

(A) four and three-fourths cents (4 3/4¢) of the beer excise tax rate collected on each gallon of beer or flavored malt beverage;

(B) one dollar and seventeen cents ($1.17) of the liquor excise tax rate collected on each gallon of liquor; and

(C) sixteen cents (16¢) of the wine excise tax rate collected on each gallon of wine; and

(2) not later than the fifth day of the following month, transfer the deposits under subdivision (1) into the postwar construction fund.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.27.) As amended by P.L.72-1996, SEC.19.

IC 7.1-4-8-2

Use of funds

Sec. 2. The monies deposited in the postwar construction fund shall be used for construction by the state for the use of:

(1) penal, benevolent, charitable and educational institutions of the state;

(2) public safety projects of the state; and

(3) municipal water and sewer infrastructure improvements necessary or useful for an institution or project described in subdivision (1) or (2).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.234-2007, SEC.274.

IC 7.1-4-9

Chapter 9. Excise Fund Collections and Distributions

IC 7.1-4-9-1

Collection of annual license fees

Sec. 1. The chairman shall collect the required annual license fee paid in connection with the issuance of a beer retailer's permit, a beer dealer's permit, a liquor retailer's permit, a supplemental caterer's permit, a liquor dealer's permit, a wine retailer's permit, and a wine dealer's permit.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.60, SEC.7; Acts 1974, P.L.25, SEC.6.) As amended by P.L.224-2005, SEC.24.

IC 7.1-4-9-2

Collection of deductions and transfer fees

Sec. 2. Collection of Deductions and Transfer Fees. The chairman shall collect the authorized deduction retained by the state when an application for a permit of a type listed in IC 1971, 7.1-4-9-1, is denied. The chairman also shall collect the prescribed cost fee paid in connection with the transfer of a permit of a type listed in IC 1971, 7.1-4-9-1.

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

IC 7.1-4-9-3

Fees deposited in excise fund and enforcement and administration fund

Sec. 3. (a) Except as provided in subsection (b), the chairman shall deposit the monies collected under the authority of this chapter daily with the treasurer of the state, and not later than the fifth day of the following month shall cover them into the "excise fund" to be distributed as provided in this chapter.

(b) The chairman shall deposit the money received from the collection of the fees for a three-way permit under IC 7.1-3-20-16(f) daily with the treasurer of state, and not later than the fifth day of the following month shall transfer the money into the enforcement and administration fund of the commission under IC 7.1-4-11.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.224-2005, SEC.25.

IC 7.1-4-9-4

Distribution to state general fund

Sec. 4. Thirty-seven percent (37%) of the money in the excise fund shall be deposited in the state general fund on the first day of June and the first day of December of each year.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1977(ss), P.L.7, SEC.1; P.L.224-2005, SEC.26.

IC 7.1-4-9-5

Repealed

(Repealed by Acts 1977(ss), P.L.7, SEC.9.)

IC 7.1-4-9-6
Repealed

(Repealed by Acts 1977(ss), P.L.7, SEC.9.)

IC 7.1-4-9-7
Distribution to cities and towns

Sec. 7. Thirty-three percent (33%) of the money in the excise fund shall, upon warrant of the state auditor, be paid into the general fund of the treasury of the city or town in which the retailer's or dealer's licensed premises are located. The money shall be paid to the treasurer of the county in which the retailer's or dealer's premises are located if they are located outside the corporate limits of a city or town.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.224-2005, SEC.27.

IC 7.1-4-9-7.5
Deposit in enforcement and administration fund

Sec. 7.5. Thirty percent (30%) of the money in the excise fund shall be deposited in the enforcement and administration fund under IC 7.1-4-10 on the first day of June and the first day of December of each year.

As added by P.L.224-2005, SEC.28.

IC 7.1-4-9-8
Basis of distribution and use

Sec. 8. Basis of Distribution and Use. The monies in the excise fund that is distributed to a county, city or town shall be distributed in direct proportion to the amount of retailer's or dealer's annual license fees paid in respect to licensed premises situated in a city or town, or situated within a county but outside the corporate limits of a city or town. The money distributed shall be credited to the general fund of the county, city or town and the funds shall be budgeted according to law.

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

IC 7.1-4-9-9
Time of distribution

Sec. 9. Time of Distribution. The distribution of the excise fund to be paid into the general fund of a county, city or town shall be distributed by the state treasurer semi-annually on the first day of June and the first day of December of each year. The auditor of the state is authorized to draw his warrants to the treasurers of the several governmental subdivisions when the distribution is presented to him.

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

IC 7.1-4-9-10
Appropriation from general fund

Sec. 10. Appropriation from General Fund. There is appropriated from the monies allocated to the general fund under this title, a necessary sum of money to make up any deficiency between the sums from the excise fund actually paid over to the treasuries of the several governmental subdivisions during their respective current fiscal years, and the estimate of funds to be distributed to them during the current fiscal year as computed by the state board of accounts and as considered by the governmental unit in preparation of its budget for the current fiscal year. The state board of accounts shall determine whether a deficiency exists at the close of the current fiscal year of each governmental unit. The amount of a deficiency so determined shall be paid to the governmental unit on warrant issued by the state auditor not later than one (1) month after the close of the respective current fiscal year.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1977(ss), P.L.7, SEC.2.

IC 7.1-4-10

Chapter 10. Enforcement and Administration Fund Collections and Distributions

IC 7.1-4-10-1

Deposit of excise taxes in fund

Sec. 1. The department shall deposit three-fourths cents (3/4¢) of the beer excise tax rate collected on each gallon of beer or flavored malt beverage, eleven cents (11¢) of the liquor excise tax rate collected on each gallon of liquor, and four cents (4¢) of the wine excise tax rate collected on each gallon of wine, daily with the treasurer of the state, and not later than the fifth day of the following month shall cover them into the "Enforcement and Administration Fund".

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.28.) As amended by P.L.72-1996, SEC.20.

IC 7.1-4-10-2

Use of funds

Sec. 2. Use of Funds. The monies in the enforcement and administration fund shall be used and disbursed solely for the enforcement and administration of this title, and for no other purpose. Any unexpended balance remaining in the fund at the end of a fiscal year shall not lapse but shall remain exclusively appropriated and available only for the purpose of the enforcement and administration of this title.

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

IC 7.1-4-10-3

Deposit of fines in fund

Sec. 3. Deposit of Fines in Fund. The chairman shall deposit the monies realized from fines imposed pursuant to the provisions of IC 1971, 7.1-3-23-2, in its enforcement and administration fund to be used for the purposes provided in this chapter.

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

IC 7.1-4-11

Chapter 11. Miscellaneous Collections and Distributions

IC 7.1-4-11-1

Enforcement officer's retirement fund

Sec. 1. The sums realized from the collection of the biennial license fees imposed by IC 7.1-4-4.1-3 shall be paid first, and are hereby appropriated, to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by IC 5-10-5.5-2 (referred to as "retirement plan" in this section). The board of trustees of the Indiana public retirement system shall determine the amount to be appropriated. The amount to be appropriated shall be sufficient, when added to the funds already held by the retirement plan, for the payment of benefits to enforcement officers to pay the aggregate liability of the retirement plan for the payment of benefits and administration costs to the end of the fiscal year. The appropriation of funds shall be credited to the retirement plan in equal installments at the end of each month during each fiscal year.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.47; P.L.35-2012, SEC.93.

IC 7.1-4-11-2

Reversion of funds

Sec. 2. The sums realized from the collection of the biennial license fees imposed by IC 7.1-4-4.1-3 and not appropriated by section 1 of this chapter are hereby appropriated to the enforcement and administration fund of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.48.

IC 7.1-4-11-2.5

Deposit of certain fees in enforcement and administration fund

Sec. 2.5. The chairman shall deposit the money received from the collection of the fees for a three-way permit under IC 7.1-3-20-16(f) daily with the treasurer of state, and not later than the fifth day of the following month shall transfer the money into the enforcement and administration fund.

As added by P.L.224-2005, SEC.29.

IC 7.1-4-11-3

Repealed

(Repealed by P.L.204-2001, SEC.68.)

IC 7.1-4-11-4

Deposits with state treasurer

Sec. 4. (a) The department shall daily deposit with the treasurer of state:

(1) two cents ($0.02) of the beer excise tax collected on each gallon of beer or flavored malt beverage, as provided by

IC 7.1-4-2-1;

(2) six cents ($0.06) of the liquor excise tax collected on each gallon of liquor, as provided by IC 7.1-4-3-1; and

(3) two cents ($0.02) of the wine excise tax collected on each gallon of wine, as provided by IC 7.1-4-4-1.

(b) By the fifth day of each month, the treasurer of state shall transfer into the addiction services fund (IC 12-23-2) the total amount collected under subsection (a) for the preceding month.

As added by Acts 1981, P.L.103, SEC.4. Amended by P.L.2-1992, SEC.75; P.L.72-1996, SEC.21.

IC 7.1-4-11-5

Deposits in wine grape market development fund

Sec. 5. The department shall deposit in the wine grape market development fund created under IC 7.1-4-13 five cents ($0.05) of the wine excise tax rate collected on each gallon of wine under IC 7.1-4-4.

As added by P.L.102-1989, SEC.5.

IC 7.1-4-12

Chapter 12. Collections and Distributions for the Pension Relief Fund

IC 7.1-4-12-1

Monthly deposits

Sec. 1. (a) The department shall deposit thirty-four cents ($.34) of the liquor excise tax rate collected on each gallon of liquor, daily with the treasurer of state, and not later than the fifth day of the following month shall cover them into the pension relief fund established under IC 5-10.3-11.

(b) Moneys deposited in the pension relief fund under this chapter may be used for all the purposes permitted by IC 5-10.3-11.

As added by Acts 1977(ss), P.L.9, SEC.6. Amended by Acts 1981, P.L.11, SEC.40.

IC 7.1-4-13

Chapter 13. Wine Grape Market Development

IC 7.1-4-13-1

"Council" defined

Sec. 1. As used in this chapter, "council" refers to the wine grape market development council created by this chapter.

As added by P.L.102-1989, SEC.6.

IC 7.1-4-13-2

"Director" defined

Sec. 2. As used in this chapter, "director" refers to the dean of agriculture of Purdue University or the dean's designee.

As added by P.L.102-1989, SEC.6. Amended by P.L.40-1993, SEC.2.

IC 7.1-4-13-3

Establishment and administration

Sec. 3. The director shall establish and administer a wine grape market development program.

As added by P.L.102-1989, SEC.6.

IC 7.1-4-13-4

Activities

Sec. 4. the wine grape market development program may include any of the following activities:

(1) Market development and research programs.

(2) Market promotion, education, and public relations programs.

(3) Market information services.

As added by P.L.102-1989, SEC.6.

IC 7.1-4-13-5

Contracts authorized

Sec. 5. The director may contract with a qualified organization, agency, or individual to perform any of the activities listed in section 4 of this chapter.

As added by P.L.102-1989, SEC.6. Amended by P.L.1-1990, SEC.89.

IC 7.1-4-13-6

Price regulation prohibited

Sec. 6. The director may not regulate the price of wine grapes or any wine grape product under this chapter.

As added by P.L.102-1989, SEC.6.

IC 7.1-4-13-7

Wine grape market development fund

Sec. 7. (a) the wine grape market development fund is created.

(b) The wine grape market development fund may not be used for political or legislative activity of any kind.

(c) The fund shall be administered by the council and used for the purpose of this chapter. The expenses of administering the fund shall

be paid from money in the fund.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund.

As added by P.L.102-1989, SEC.6.

IC 7.1-4-13-8

Wine grape market development council; creation; membership

Sec. 8. (a) The wine grape market development council is created.

(b) The council shall have an odd number of members, but not less than seven (7) nor more than fifteen (15) members. The following are the members of the council:

(1) The director or the director's designee.

(2) The chairman of the horticulture department at Purdue University or chairman's designee.

(3) The chairman of the food science department at Purdue University or the chairman's designee.

(4) Other members that the director shall appoint.

(c) A majority of the members of the council must be wine grape growers or processors of wine grape products.

As added by P.L.102-1989, SEC.6.

IC 7.1-4-13-9

Bylaws of council

Sec. 9. The council shall adopt bylaws governing the terms of office, filling unexpired terms, expenses, quorum, duties, and other administrative matters. The bylaws may be amended by a two-thirds (2/3) vote of the members present, if a quorum is present.

As added by P.L.102-1989, SEC.6. Amended by P.L.1-1990, SEC.90.

IC 7.1-4-13-10

Duties of council

Sec. 10. The council shall do the following:

(1) Elect a chairman and any other officers.

(2) Recommend expenditures from the wine grape market development fund for the administration of the wine grape market development program and for the administration of this chapter.

(3) Perform any other necessary duties.

As added by P.L.102-1989, SEC.6.

IC 7.1-4-13-11

Advice, recommendations, and assistance of council

Sec. 11. The director shall consider the advice, recommendations, and assistance of the council for the expenditure of funds for the wine grape market development program and for the administration of this chapter.

As added by P.L.102-1989, SEC.6.

IC 7.1-5

ARTICLE 5. CRIMES AND INFRACTIONS

IC 7.1-5-1

Chapter 1. General Provisions; Public Intoxication

IC 7.1-5-1-0.1

Repealed

(Repealed by P.L.63-2012, SEC.8.)

IC 7.1-5-1-1

Prohibition against commercial purposes

Sec. 1. (a) It is unlawful for a person to manufacture for sale, bottle, sell, barter, import, transport, deliver, furnish, or possess, alcohol or alcoholic beverages, malt, malt syrup, malt extract, liquid malt or wort, for commercial purposes except as authorized in this title.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.18.

IC 7.1-5-1-2

Repealed

(Repealed by Acts 1973, P.L.58, SEC.2.)

IC 7.1-5-1-3

Public intoxication prohibited; failure to enforce by a law enforcement officer

Sec. 3. (a) Subject to section 6.5 of this chapter, it is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9), if the person:

(1) endangers the person's life;

(2) endangers the life of another person;

(3) breaches the peace or is in imminent danger of breaching the peace; or

(4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.702; P.L.213-2001, SEC.2; P.L.93-2012, SEC.2; P.L.117-2012, SEC.1.

IC 7.1-5-1-4

Repealed

(Repealed by Acts 1973, P.L.156, SEC.2.)

IC 7.1-5-1-5

Repealed

(Repealed by Acts 1973, P.L.156, SEC.2.)

IC 7.1-5-1-6

Intoxication upon common carrier prohibited; failure to enforce by a law enforcement officer

Sec. 6. (a) Subject to section 6.5 of this chapter, it is a Class B misdemeanor for a person to be, or to become, intoxicated as a result of the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9) in or upon a vehicle commonly used for the public transportation of passengers, or in or upon a common carrier, or in or about a depot, station, airport, ticket office, waiting room or platform, if the person:

(1) endangers the person's life;

(2) endangers the life of another person;

(3) breaches the peace or is in imminent danger of breaching the peace; or

(4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.703; P.L.213-2001, SEC.3; P.L.93-2012, SEC.3; P.L.117-2012, SEC.2.

IC 7.1-5-1-6.5

Request of medical assistance, victim of sex offense, crime witness; prohibited from being taken into custody; immunity from criminal prosecution; actions against law enforcement officers

Sec. 6.5. (a) A law enforcement officer may not take a person into custody based solely on the commission of an offense involving alcohol described in subsection (b) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

(1) The law enforcement officer has contact with the person because the person:

(A) either:

(i) requested emergency medical assistance; or

(ii) acted in concert with another person who requested emergency medical assistance;

for an individual who reasonably appeared to be in need of medical assistance;

(B) is the victim of a reported sex offense (as defined in IC 11-8-8-5.2); or

(C) witnessed and reported what the person reasonably believed to be a crime.

(2) The person described in subdivision (1)(A), (1)(B), or (1)(C):

(A) provided:

(i) the person's full name; and
(ii) any other relevant information requested by the law enforcement officer; and
(B) in the case of a person described in subdivision (1)(A):
(i) remained at the scene with the individual who reasonably appeared to be in need of medical assistance until emergency medical assistance arrived; and
(ii) cooperated with emergency medical assistance personnel and law enforcement officers at the scene.

(b) A person who meets the criteria of subsection (a)(1) and (a)(2) is immune from criminal prosecution for an offense under:
(1) section 3 of this chapter if the offense involved a state of intoxication caused by the person's use of alcohol;
(2) section 6 of this chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol; and
(3) IC 7.1-5-7-7.

(c) A person may not initiate or maintain an action against a law enforcement officer based on the officer's compliance or failure to comply with this section.

As added by P.L.93-2012, SEC.4. Amended by P.L.156-2014, SEC.2.

IC 7.1-5-1-6.6

Dismissal of public intoxication or illegal possession charges

Sec. 6.6. (a) This section applies only to a person:
(1) arrested for a violation of:
(A) section 3 of this chapter if the offense involved a state of intoxication caused by the person's use of alcohol;
(B) section 6 of this chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol; or
(C) IC 7.1-5-7-7; and
(2) whose arrest was facilitated because another person reported that the person appeared to be in need of medical assistance due to the use of alcohol.

(b) If a person described in subsection (a):
(1) does not have a prior conviction for an offense described in subsection (a);
(2) pleads guilty to an offense described in subsection (a); and
(3) agrees to be placed in the custody of the court;
the court, without entering a judgment of conviction, shall defer further proceedings and place the person in the custody of the court under conditions determined by the court.

(c) If the person placed in the custody of the court violates the conditions of custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person.

(d) There may be only one (1) dismissal under this section with respect to a person.

As added by P.L.156-2014, SEC.3.

IC 7.1-5-1-7
Notice of conviction sent to commission

Sec. 7. Notice of Conviction Sent to Commission. A court, upon convicting a permittee for a violation of a provision of this title, shall cause a certified copy of the judgment of conviction to be made and forwarded to the commission.

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

IC 7.1-5-1-8
Repealed

(Repealed by P.L.159-2014, SEC.19.)

IC 7.1-5-1-9
Repealed

(Repealed by P.L.159-2014, SEC.20.)

IC 7.1-5-1-9.5
Repealed

(Repealed by P.L.159-2014, SEC.21.)

IC 7.1-5-1-10
Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-1-11
Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-1-12
Violation of commission's order

Sec. 12. Violation of Commission's Order. A person who recklessly imports, transports, receives, purchases, sells, distributes, delivers, or possesses an alcoholic beverage in violation of an order of the commission entered pursuant to IC 7.1-2-7, commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.706.

IC 7.1-5-2

Chapter 2. Advertising

IC 7.1-5-2-1
Repealed

(Repealed by P.L.58-1984, SEC.6.)

IC 7.1-5-2-2
Repealed

(Repealed by P.L.159-2014, SEC.22.)

IC 7.1-5-2-3
Signs regulated

Sec. 3. (a) It is unlawful for the holder of a retailer's or dealer's permit of any type to display, keep, have, or maintain, a sign, advertisement, poster or design, obstruction to view, device or equipment contrary to the provisions of this title, or to a rule or regulation of the commission, in, about, or in connection with the business authorized by the holder's permit.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.23.

IC 7.1-5-2-4
Gift of outside sign prohibited

Sec. 4. (a) It is unlawful for a manufacturer of alcoholic beverages or other permittee authorized to sell and deliver alcoholic beverages to give, supply, furnish, or grant to the holder of a retailer's or dealer's permit a sign, poster, or advertisement for use, or intended to be used, outside of or on the exterior of the licensed premises or on a building situated on the licensed premises or in connection with them, or on premises adjacent to the licensed premises.

(b) It is unlawful for a retail or dealer permittee to receive or accept, or to display or permit to be displayed, a sign, poster, or advertisement given in violation of subsection (a).

(c) A person who violates subsection (a) or (b) commits a Class C infraction. A person commits a separate violation for each day during which a violation of subsection (a) or (b) continues.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.24.

IC 7.1-5-2-5
Repealed

(Repealed by P.L.57-1984, SEC.15.)

IC 7.1-5-2-6
Repealed

(Repealed by P.L.159-2014, SEC.25.)

IC 7.1-5-2-7

Limitation on brand name advertising near certain premises; temporary banners permitted for sporting events, festivals, and holidays

Sec. 7. (a) The term "premises" as used in this subsection does not include a facility (as defined in IC 7.1-2-3-16.5). A primary source of supply, wholesaler, or salesman of alcoholic beverages, or the agent or representative of a primary source of supply, wholesaler, or salesman of alcoholic beverages may not directly or indirectly place, display, or maintain or cause to be placed, displayed, or maintained a sign advertising alcoholic beverages by brand name within two hundred (200) feet of a premises having a retailer or dealer permit to sell alcoholic beverages. The distance must be determined by measuring between the nearest point on the licensed premises to the nearest point of the sign.

(b) A sign advertising alcoholic beverages by brand name may not indicate by arrows, hands, or other similar devices a particular retailer or dealer premises.

(c) Notwithstanding subsection (a), a primary source of supply, wholesaler, or salesman of alcoholic beverages, or the agent or representative of a primary source of supply, wholesaler, or salesman of alcoholic beverages may place, display, maintain or cause to be placed, displayed, or maintained temporary banners or pennants advertising alcoholic beverages by brand name on or within two hundred (200) feet of a retailer or dealer premises if the banners or pennants commemorate a sporting event, festival, or holiday held in Indiana. The banners or pennants may be displayed under this subsection beginning twenty-one (21) days before the sporting event, festival, or holiday and ending five (5) days after the close of the sporting event, festival, or holiday.

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

As added by P.L.106-1995, SEC.17. Amended by P.L.15-2011, SEC.13; P.L.159-2014, SEC.26.

IC 7.1-5-3

Chapter 3. Containers

IC 7.1-5-3-1

Beer must be bottled at brewery

Sec. 1. (a) This section does not apply to the following:

(1) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(b) Except as provided in section 6 of this chapter, it is unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at the brewer's bottling house contiguous or adjacent to the brewery in which the beer was produced.

(c) A person who knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.64-2011, SEC.2; P.L.6-2012, SEC.61; P.L.159-2014, SEC.27.

IC 7.1-5-3-2

Sale from original container only

Sec. 2. (a) Except as provided in section 6 of this chapter, it is unlawful for a person to sell, dispense, give away, furnish, or supply or serve to a person, an alcoholic beverage, from a container other than the original container in which the liquor was contained at the time it was purchased by the seller, dispenser, giver, or person serving it.

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

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.29.) As amended by P.L.159-2014, SEC.28.

IC 7.1-5-3-3

Repealed

(Repealed by P.L.63-1990, SEC.1.)

IC 7.1-5-3-4

Refilling prohibited; exceptions

Sec. 4. (a) This section does not apply to the following:

(1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(3) An establishment where alcoholic beverages are sold that is

owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit for a brewery described under IC 7.1-3-2-7(5).

(4) The refilling of a bottle or container or possession of a refilled bottle or container if the refilling or possession is not for resale or another commercial purpose.

(b) Except as provided in section 6 of this chapter, it is unlawful for a person to:

(1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or

(2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.50; P.L.64-2011, SEC.3; P.L.6-2012, SEC.62; P.L.159-2014, SEC.29.

IC 7.1-5-3-5
Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-3-6
Mixing of drinks permitted

Sec. 6. Mixing of Drinks Permitted. The provisions of this chapter shall not prohibit the service of a mixed drink from the vessel in which it was prepared. However, the liquor used in the preparation of a mixed drink shall be drawn directly from the original container in which the liquor was contained and poured directly into the vessel in which the mixed drink is to be prepared.

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

IC 7.1-5-4

Chapter 4. Unpaid Taxes; Counterfeit Permits

IC 7.1-5-4-1

Possession of untaxed beverages prohibited

Sec. 1. It is a Class C misdemeanor for a person to sell, barter, give away, or possess an alcoholic beverage, knowing that all taxes due the state on it are not paid.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.30.) As amended by Acts 1978, P.L.2, SEC.708; P.L.159-2014, SEC.30.

IC 7.1-5-4-2

Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-4-3

Unlawful furnishing of evidence of payment of tax prohibited

Sec. 3. (a) It is unlawful for a person, other than an officer of the state lawfully entitled to do so, to furnish evidence of the payment of the excise tax, or to execute or issue a permit of any type, to another person.

(b) A person who knowingly or intentionally violates this section commits a Level 6 felony.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.32.) As amended by P.L.159-2014, SEC.31.

IC 7.1-5-4-4

Repealed

(Repealed by Acts 1973, P.L.56, SEC.38.)

IC 7.1-5-4-5

Possession of counterfeit permit prohibited

Sec. 5. (a) It is unlawful for a person to possess an article, instrument, imitation, or counterfeit of a permit, other than one lawfully issued to the person and which the person is lawfully entitled to possess.

(b) It is unlawful for a person to display an imitation or counterfeit of a permit for the purpose of defrauding the state of the payment of a tax or license fee imposed by this title.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class A misdemeanor. However, the offense is a Level 6 felony if the cost of the permit is at least seven hundred fifty dollars ($750).

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.33.) As amended by P.L.159-2014, SEC.32.

IC 7.1-5-4-6

Fraudulent statements prohibited

Sec. 6. (a) It is unlawful for a person to make a statement, written or oral, as to payment to, or the receipt by, the state, for the purpose

of defrauding the state of a tax or license fee imposed by this title.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the tax or license fee is at least seven hundred fifty dollars ($750).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.33.

IC 7.1-5-4-7
Evidence

Sec. 7. Evidence. The possession of a permit, or of an imitation or counterfeit of a permit, contrary to the provisions of this chapter, is prima facie evidence of an intent to defraud the state by the possessor of the prohibited article.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.34.)

IC 7.1-5-5

Chapter 5. Miscellaneous Crimes

IC 7.1-5-5-1

Repealed

(Repealed by P.L.159-2014, SEC.34.)

IC 7.1-5-5-2

Commission; receiving gifts prohibited

Sec. 2. (a) It is unlawful for a commissioner, an officer or employee of the commission, or a member of a local board, to receive a gratuity, commission, or profit of any kind from a person applying for or receiving a permit under this title.

(b) A person who knowingly or intentionally violates subsection (a) commits a Level 6 felony.

(c) In addition to any other penalty provided for a violation of subsection (a), a person who violates subsection (a) shall be dismissed as provided in this title.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.35.

IC 7.1-5-5-3

Illegal influence prohibited

Sec. 3. (a) It is unlawful for the holder of a manufacturer's permit of any type, a wholesaler's permit of any type, or an officer, employee, agent or other representative of a surety company which has executed a bond for a permittee under this title to seek to influence or recommend or solicit the appointment of a member of a local board, or of an officer, appointee, or employee under this title, or meet with, consult, or advise a member of a local board concerning the issuance of a permit of any type.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.36.

IC 7.1-5-5-4

Repealed

(Repealed by Acts 1977, P.L.97, SEC.1.)

IC 7.1-5-5-5

Repealed

(Repealed by Acts 1977, P.L.97, SEC.1.)

IC 7.1-5-5-6

Repealed

(Repealed by Acts 1977, P.L.97, SEC.1.)

IC 7.1-5-5-7

Discrimination in sales prohibited; exception; special discounts for

certain products

Sec. 7. (a) It is unlawful for a permittee in a sale or contract to sell alcoholic beverages to discriminate between purchasers by granting a price, discount, allowance, or service charge which is not available to all purchasers at the same time. However, this section does not authorize or require a permittee to sell to a person to whom the permittee is not authorized to sell under this title.

(b) A premises that operates at least two (2) restaurants that are separate and distinct from each other on the same premises may provide for a different schedule of prices in each restaurant if each restaurant conforms to all other laws and rules of the commission regarding pricing and price discrimination in its separate and distinct areas.

(c) This section does not apply to the holder of a gaming site permit that complies with IC 7.1-3-17.5-6.

(d) Notwithstanding subsection (a), a beer wholesaler may offer a special discount price to a beer dealer or beer retailer for beer or flavored malt beverage, if the beer or flavored malt beverage:

(1) is a brand or package the beer wholesaler has discontinued; or

(2) will expire in not more than:

(A) twenty (20) days for packaged beer or packaged flavored malt beverage; and

(B) ten (10) days for draft beer or draft flavored malt beverage.

(e) The special discount under subsection (d) only applies to beer or flavored malt beverage that will expire and be subject to removal from retailer or dealer shelves in accordance with the primary source of supply's coding data clearly identified on the container.

(f) Any beer or flavored malt beverage sold at a special discount price under subsection (d) shall be accompanied by an invoice clearly designating, in addition to all other information required by law, all the following information:

(1) The date of delivery.

(2) The expiration date of each brand, package type, and quantity delivered.

(3) The per unit price for each package.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.51; P.L.250-2003, SEC.16; P.L.224-2005, SEC.30; P.L.233-2007, SEC.32; P.L.159-2014, SEC.37.

IC 7.1-5-5-8

Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-5-9

Coercion prohibited; unequitable termination of contract prohibited

Sec. 9. (a) This section does not apply to product management (as described in 905 IAC 1-5.2-15) by a permittee.

(b) It is unlawful for a permittee to coerce, or attempt to coerce, or persuade another permittee to enter into an agreement, or to take an action, which would violate a provision of this title or of the rules and regulations of the commission.

(c) It is unlawful for a beer wholesaler or a primary source of supply to cancel or terminate an agreement or contract between a beer wholesaler and a primary source of supply for the sale of beer, unfairly and without due regard for the equities of the other party.

(d) A person who knowingly or intentionally violates subsection (b) or (c) commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.224-2005, SEC.31; P.L.94-2008, SEC.48; P.L.159-2014, SEC.38.

IC 7.1-5-5-10

Acceptance of gift by retailer prohibited

Sec. 10. (a) It is unlawful for a person who holds a retailer's or dealer's permit of any type to receive or accept from a manufacturer of alcoholic beverages, or from a permittee authorized to sell and deliver alcoholic beverages, 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.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the value received or accepted is at least seven hundred fifty dollars ($750).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.39.

IC 7.1-5-5-11

Gift to retail permittee prohibited; promotional prizes; bona fide incentives

Sec. 11. (a) Except as provided in subsections (c) and (d), it is unlawful for a manufacturer of alcoholic beverages or a permittee authorized to sell and deliver alcoholic beverages to:

(1) give, supply, furnish, or grant to another permittee who purchases alcoholic beverages from the manufacturer or permittee a rebate, sum of money, accessory, furniture, fixture, loan of money, concession, privilege, use, title, interest, lease, or rental of premises; or

(2) except as provided in IC 7.1-3-2-9 and IC 7.1-3-3-5(f), have a business dealing with the other permittee.

(b) This section shall not apply to the sale and delivery and collection of the sale price of an alcoholic beverage in the ordinary course of business.

(c) If the promotional program is approved under the rules adopted by the commission and is conducted in all wholesaler establishments through which the manufacturer distributes alcoholic

beverages in Indiana, a manufacturer of alcoholic beverages may award bona fide promotional prizes and awards to any of the following:

(1) A person with a wholesaler's permit issued under IC 7.1-3.

(2) An employee of a person with a wholesaler's permit issued under IC 7.1-3.

(d) A manufacturer may offer on a nondiscriminatory basis bona fide incentives to wholesalers when the incentives are determined based on sales to retailers or dealers occurring during specified times for specified products. The incentive may be conditioned on the wholesaler selling a:

(1) specified product at a specified price or less than a specified price; or

(2) minimum quantity of a specified product to a single customer in a single transaction.

The incentive may not be conditioned on a wholesaler having total sales of a minimum quantity of a specified product during the applicable period.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.32-1988, SEC.5; P.L.72-1997, SEC.3; P.L.224-2005, SEC.32; P.L.159-2014, SEC.40.

IC 7.1-5-5-12

Amateur athletics; soliciting assistance prohibited

Sec. 12. (a) It is unlawful for a permittee who sponsors an amateur athletic contest, team, or sporting contest to solicit or accept assistance, either financial or otherwise, from another permittee for the purpose of promoting the amateur athletic contest, team, or sporting event.

(b) It is unlawful for a permittee who is solicited in violation of subsection (a) to give that assistance.

(c) A person who knowingly or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the assistance is at least seven hundred fifty dollars ($750).

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.41.

IC 7.1-5-6

Chapter 6. Permits

IC 7.1-5-6-1

Making alcoholic beverages without permit prohibited

Sec. 1. (a) It is a Class C misdemeanor for a person to knowingly own, have in the person's possession or under the person's control, or use a still or distilling apparatus for the manufacture of liquor, except as otherwise provided in this title.

(b) It is a Class C misdemeanor for a person to knowingly own, have in the person's possession or under the person's control, or use brewing or wine-making apparatus, for the manufacture for commercial purposes of beer or wine, except as otherwise provided in this title.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.709; P.L.159-2014, SEC.42.

IC 7.1-5-6-2

Acting as salesman without permit prohibited

Sec. 2. (a) It is unlawful for a person to act as a salesman, regardless of whether the sale is to be made by a seller within this state, to a buyer within or without this state, or by a seller outside this state for delivery to a buyer within this state, or whether the sale otherwise may be legal or illegal, unless that person has applied for and been issued a salesman's permit.

(b) It is unlawful for a buyer in this state to give an order, bargain, contract, or agreement to a salesman who does not have a salesman's permit. This section does not apply to a permittee of any type, a permittee's agent, or employees working or acting on the licensed premises of the permittee.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.43.

IC 7.1-5-6-3

Acting without permit; defenses

Sec. 3. (a) It is unlawful for a person to act as a clerk in a package liquor store, or as a bartender, waiter, waitress, or manager for a retailer permittee unless that person has applied for and been issued the appropriate permit. This section does not apply to dining car or boat employees or to a person described in IC 7.1-3-18-9(d). A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.

(b) It is a defense to a charge under this section if, not later than thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, not later than thirty (30) days after being

cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.51, SEC.5; P.L.77-1988, SEC.5; P.L.102-1989, SEC.7; P.L.159-2014, SEC.44.

IC 7.1-5-6-4

Falsification of record prohibited

Sec. 4. (a) It is unlawful for a person to falsify, or cause to be falsified, an entry, statement, account, recital, or computation, or an application for a permit, or an instrument, or paper required to be filed in connection with the application, or in connection with the revocation, or proposed revocation, or a permit.

(b) It is unlawful for a person to enter, or cause to be entered, a false entry, statement, account, recital, computation, or representation of a fact in a book, document, account, order, paper, or statement required to be kept or filed, or made or furnished to the commission under the provisions of this title or a rule or regulation of the commission.

(c) A person who knowingly or intentionally violates this section commits a Level 6 felony.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.45.

IC 7.1-5-7
Chapter 7. Minors

IC 7.1-5-7-0.1
Repealed
(Repealed by P.L.63-2012, SEC.9.)

IC 7.1-5-7-0.3
Repealed
(Repealed by P.L.159-2014, SEC.46.)

IC 7.1-5-7-1
False statements of age
Sec. 1. It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.11; P.L.102-1983, SEC.1; P.L.77-1988, SEC.6; P.L.67-1990, SEC.1; P.L.1-1993, SEC.45; P.L.94-2008, SEC.49; P.L.125-2012, SEC.1; P.L.113-2014, SEC.14; P.L.217-2014, SEC.2; P.L.159-2014, SEC.47.

IC 7.1-5-7-2
Furnishing false evidence of identification
Sec. 2. It is a Class C misdemeanor for a person to sell, give, or furnish to a minor false or fraudulent evidence of majority or identity with the intent to violate or assist in the violation of a provision of this title.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.12; P.L.102-1983, SEC.2; P.L.159-2014, SEC.48.

IC 7.1-5-7-3
Possession of false identity
Sec. 3. It is a Class C infraction for a minor to have in his possession false or fraudulent evidence of majority or identity with the intent to violate a provision of this title.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.13; P.L.102-1983, SEC.3.

IC 7.1-5-7-4
Statement of age
Sec. 4. A permittee shall have the right to demand of a customer a signed written statement, on a form prescribed by the commission, that the customer is not a minor. It is a Class C infraction for a minor to misrepresent his age on the statement.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.14; P.L.102-1983, SEC.4.

IC 7.1-5-7-5
Repealed

(Repealed by P.L.100-1983, SEC.8.)

IC 7.1-5-7-5.1
Defenses of permittee to charge of unlawfully furnishing alcoholic beverage to minor

Sec. 5.1. (a) A permittee in a criminal prosecution or in a proceeding before the commission or a local board based upon a charge of unlawfully furnishing an alcoholic beverage to a minor may offer either or both of the following proofs as a defense or defenses to the prosecution or proceeding:

(1) That:

(A) the purchaser:

(i) falsely represented the purchaser's age in a written statement, such as that prescribed by subsection (b), supported by two (2) forms of identification showing the purchaser to be at least twenty-one (21) years of age;

(ii) produced a driver's license bearing the purchaser's photograph;

(iii) produced a photographic identification card, issued under IC 9-24-16-1 or a similar card, issued under the laws of another state or the federal government, showing that the purchaser was of legal age to make the purchase; or

(iv) produced a government issued document bearing the purchaser's photograph and showing the purchaser to be at least twenty-one (21) years of age;

(B) the appearance of the purchaser was such that an ordinary prudent person would believe the purchaser to be of legal age to make the purchase; and

(C) the sale was made in good faith based upon the reasonable belief that the purchaser was actually of legal age to make the purchase.

(2) That the permittee or the permittee's agent had taken all reasonable precautions in instructing the permittee's employees, in hiring the permittee's employees, and in supervising them as to sale of alcoholic beverages to minors.

(b) The following written statement is sufficient for the purposes of subsection (a)(1)(A)(i):

REPRESENTATION AND STATEMENT
OF AGE
FOR PURCHASE OF ALCOHOLIC
BEVERAGES

I understand that misrepresentation of age to induce the sale, service, or delivery of alcoholic beverages to me is cause for my arrest and prosecution, which can result in punishment as follows:

(1) Possible payment of a fine of up to $500.

(2) Possible imprisonment for up to 60 days.

(3) Possible loss or deferment of driver's license privileges for up to one year.

(4) Possible requirement to participate in an alcohol education or treatment program.

Knowing the possible penalties for misstatement, I hereby represent and state, for the purpose of inducing

_____

(Name of licensee)

to sell, serve, or deliver alcoholic beverages to me, that I was born: _____, _____, _____ and am ____ years of age.

(Month) (Day) (Year)

Date_____

Signed _____

Address _____

_____

Other Identification Presented: Nonphoto driver's license: (number & state)

_____

Signature of person who witnessed completion of this statement by patron:

_____

Social Security Number

_____

Other _____

_____

_____

As added by P.L.100-1983, SEC.5. Amended by P.L.79-1986, SEC.2; P.L.2-1991, SEC.56; P.L.10-2010, SEC.9.

IC 7.1-5-7-6
Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-7-7
Illegal possession

Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C misdemeanor for a minor to knowingly:

(1) possess an alcoholic beverage;

(2) consume an alcoholic beverage; or

(3) transport an alcoholic beverage on a public highway when not accompanied by at least one (1) of the minor's parents or guardians.

(b) If a minor is found to have violated subsection (a)(2) or (a)(3) while operating a vehicle, the court may order the minor's driving privileges suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the minor's driving privileges suspended for at least sixty (60) days.

(c) The court shall deliver any order suspending a minor's driving privileges under this section to the bureau of motor vehicles, which shall suspend the minor's driving privileges under IC 9-24-18-12.2 for the period ordered by the court.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.710; Acts 1982, P.L.69, SEC.15; P.L.53-1994, SEC.1; P.L.93-2012, SEC.5; P.L.125-2012, SEC.2; P.L.217-2014, SEC.3;

P.L.159-2014, SEC.49.

IC 7.1-5-7-8
Sale to minors prohibited; furnishing property for the purpose of enabling minors to consume alcohol prohibited

Sec. 8. (a) It is a Class B misdemeanor for a person to:

(1) recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor; or

(2) knowingly or intentionally:

(A) rent property; or

(B) provide or arrange for the use of property;

for the purpose of allowing or enabling a minor to consume an alcoholic beverage on the property.

(b) However, the offense described in subsection (a) is:

(1) a Class A misdemeanor if the person has a prior unrelated conviction under this section; and

(2) a Level 6 felony if the consumption, ingestion, or use of the alcoholic beverage is the proximate cause of the serious bodily injury or death of any person.

(c) This section shall not be construed to impose civil liability upon any postsecondary educational institution, including public and private universities and colleges, business schools, vocational schools, and schools for continuing education, or its agents for injury to any person or property sustained in consequence of a violation of this section unless the institution or its agent:

(1) sells, barters, exchanges, provides, or furnishes an alcoholic beverage to a minor; or

(2) either:

(A) rents property; or

(B) provides or arranges for the use of property;

for the purpose of allowing or enabling a minor to consume an alcoholic beverage on the property.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.74, SEC.1.) As amended by Acts 1982, P.L.69, SEC.16; P.L.102-1983, SEC.5; P.L.100-1983, SEC.6; P.L.79-1986, SEC.3; P.L.2-2007, SEC.132; P.L.94-2008, SEC.50; P.L.158-2013, SEC.127; P.L.159-2014, SEC.50.

IC 7.1-5-7-9
Parent taking child into tavern prohibited

Sec. 9. (a) It is a Class C infraction for a parent, guardian, trustee, or other person having custody of a child under eighteen (18) years of age to take that child into a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished.

(b) It is a Class C infraction for a permittee to permit the parent, guardian, trustee, or other person having custody of the child under eighteen (18) years of age to be in or around the prohibited place with the child.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.17; P.L.102-1983, SEC.6.

IC 7.1-5-7-10
Minors in taverns prohibited

Sec. 10. (a) It is a Class C infraction for a minor to knowingly or intentionally be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished.

(b) It is a Class C misdemeanor for a permittee to recklessly permit a minor to be in the prohibited place beyond a reasonable time in which an ordinary prudent person can check identification to confirm the age of a patron.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.18; P.L.102-1983, SEC.7; P.L.79-1986, SEC.4; P.L.77-1988, SEC.7; P.L.1-1993, SEC.46; P.L.125-2012, SEC.3; P.L.217-2014, SEC.4; P.L.159-2014, SEC.51.

IC 7.1-5-7-11
Exception for certain public places

Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

(1) Civic center.
(2) Convention center.
(3) Sports arena.
(4) Bowling center.
(5) Bona fide club.
(6) Drug store.
(7) Grocery store.
(8) Boat.
(9) Dining car.
(10) Pullman car.
(11) Club car.
(12) Passenger airplane.
(13) Horse racetrack facility holding a recognized meeting permit under IC 4-31-5.
(14) Satellite facility (as defined in IC 4-31-2-20.5).
(15) Catering hall under IC 7.1-3-20-24 that is not open to the public.
(16) That part of a hotel or restaurant which is separate from a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink.
(17) Entertainment complex.
(18) Indoor golf facility.
(19) A recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.
(20) A licensed premises owned or operated by a postsecondary

educational institution described in IC 21-17-6-1.

(21) An automobile racetrack.

(22) An indoor theater under IC 7.1-3-20-26.

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

(1) The minor is eighteen (18) years of age or older.

(2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.

(3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.74, SEC.2.) As amended by P.L.100-1983, SEC.7; P.L.15-1994, SEC.10; P.L.105-1995, SEC.6; P.L.71-1996, SEC.5; P.L.72-1996, SEC.22; P.L.117-2000, SEC.1; P.L.72-2004, SEC.16; P.L.224-2005, SEC.33; P.L.2-2007, SEC.133; P.L.10-2010, SEC.10.

IC 7.1-5-7-12

Employment of minors prohibited

Sec. 12. Except as provided in section 13 of this chapter, it is a Class B misdemeanor for a person to knowingly or intentionally employ a minor in or about a place where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, in a capacity which requires or allows the minor to sell, furnish, or otherwise deal in alcoholic beverages.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.19; P.L.204-2001, SEC.52; P.L.159-2014, SEC.52.

IC 7.1-5-7-13

Employment of minors; exceptions

Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

(A) selling;

(B) furnishing, other than serving;

(C) consuming; or

(D) otherwise dealing in;

alcoholic beverages.

(2) A person at least nineteen (19) years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment.

(3) A person who is at least nineteen (19) years of age but less than twenty-one (21) years of age and who has successfully completed an alcohol server training program certified under

IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or family room of a restaurant or hotel:

(A) in the course of a person's employment as a waiter, waitress, or server; and

(B) under the supervision of a person who:

(i) is at least twenty-one (21) years of age;

(ii) is present at the restaurant or hotel; and

(iii) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.53; P.L.161-2005, SEC.3; P.L.3-2008, SEC.70; P.L.94-2008, SEC.51.

IC 7.1-5-7-14

Notice from parents

Sec. 14. It is a Class B misdemeanor for a permittee to knowingly or intentionally permit a minor to be in or around the licensed premises after receiving written notice from the parent, guardian, or other person having custody of the minor that the minor is in fact a minor and directing that the minor be excluded from the licensed premises.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1982, P.L.69, SEC.20; P.L.159-2014, SEC.53.

IC 7.1-5-7-15

Aiding unlawful possession

Sec. 15. A person twenty-one (21) years of age or older who knowingly or intentionally encourages, aids, or induces a minor to unlawfully possess an alcoholic beverage commits a Class C infraction.

As added by P.L.102-1983, SEC.8.

IC 7.1-5-7-16

Inspections

Sec. 16. The commission shall conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with this title. Only the commission may conduct the random unannounced inspections. The commission may use retired or off duty law enforcement officers to conduct inspections under this section.

As added by P.L.94-2008, SEC.52. Amended by P.L.216-2011, SEC.2.

IC 7.1-5-7-17

Enforcement actions

Sec. 17. (a) Notwithstanding any other law, an enforcement officer vested with full police powers and duties may engage a

person who is:

(1) at least eighteen (18) years of age; and

(2) less than twenty-one (21) years of age;

to receive or purchase alcoholic beverages as part of an enforcement action under this article.

(b) The initial or contemporaneous receipt or purchase of an alcoholic beverage under this section by a person described in subsection (a) must:

(1) occur under the direction of an enforcement officer vested with full police powers and duties; and

(2) be a part of the enforcement action.

As added by P.L.94-2008, SEC.53.

IC 7.1-5-8

Chapter 8. Miscellaneous Prohibited Activities

IC 7.1-5-8-0.3

Intent and purpose of certain amendments made to chapter

Sec. 0.3. The intent and purpose of the amendments made to sections 4, 5, and 6 of this chapter by P.L.94-2008 are the promotion of performing arts in Indiana.

As added by P.L.220-2011, SEC.179.

IC 7.1-5-8-1

Hindering enforcement of title prohibited

Sec. 1. It is a Class C misdemeanor for a person to recklessly hinder, obstruct, interfere with, or prevent the observance or enforcement of any of the following:

(1) A provision of this title.

(2) A rule or regulation of the commission adopted in the administration of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.711; P.L.204-2001, SEC.54.

IC 7.1-5-8-2

Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-8-3

Wood alcohol as beverage prohibited

Sec. 3. Wood Alcohol As Beverage Prohibited. It is a Class A misdemeanor for a person knowingly to give, furnish, barter, keep for sale, or deliver a preparation, liquid, fluid, or drink, or other substance likely or intended to be used as a beverage, that contains wood alcohol.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.712.

IC 7.1-5-8-4

Taking alcoholic beverage on licensed premises and serving setups prohibited

Sec. 4. (a) It is a Class B misdemeanor for a person who owns or operates a private or public restaurant or place of public or private entertainment to knowingly or intentionally permit another person to come into the establishment with an alcoholic beverage for sale or gift, or for consumption in the establishment by that person or another, or to serve a setup to a person who comes into the establishment. However, the provisions of this section do not apply to the following:

(1) A private room hired by a guest of a bona fide club or hotel that holds a retail permit.

(2) A facility that is used in connection with the operation of a paved track that is used primarily in the sport of auto racing.

(3) An outdoor place of public entertainment that:
(A) has an area of at least four (4) acres and not more than six (6) acres;
(B) is located within one (1) mile of the White River;
(C) is owned and operated by a nonprofit corporation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
(D) is used primarily in connection with live music concerts.

(b) An establishment operated in violation of this section is declared to be a public nuisance and subject to abatement as other public nuisances are abated under the provisions of this title.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.136-2000, SEC.4; P.L.204-2001, SEC.55; P.L.94-2008, SEC.54; P.L.159-2014, SEC.54.

IC 7.1-5-8-5

Taking alcoholic beverage on licensed premises; exceptions

Sec. 5. (a) This section does not apply to a person who, on or about a licensed premises, carries, conveys, or consumes beer or wine:
(1) described in IC 7.1-1-2-3(a)(4); and
(2) not sold or offered for sale.

(b) This section does not apply to a person at a facility that is used in connection with the operation of a track that is used primarily in the sport of auto racing.

(c) This section does not apply to a person at an outdoor place of public entertainment that:
(1) has an area of at least four (4) acres and not more than six (6) acres;
(2) is located within one (1) mile of the White River;
(3) is owned and operated by a nonprofit corporation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
(4) is used primarily in connection with live music concerts.

(d) It is a Class C misdemeanor for a person, for the person's own use, to knowingly carry on, convey to, or consume on or about the licensed premises of a permittee an alcoholic beverage that was not then and there purchased from that permittee.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.713; P.L.177-1999, SEC.8; P.L.136-2000, SEC.5; P.L.204-2001, SEC.56; P.L.94-2008, SEC.55.

IC 7.1-5-8-6

Taking liquor into restaurants prohibited; exception

Sec. 6. (a) It is a Class C misdemeanor for a person to knowingly carry liquor into a restaurant or place of public entertainment for the purpose of consuming it, displaying it, or selling, furnishing, or giving it away to another person on the premises, or for the purpose of having it served to himself or another person, then and there. It is a Class C misdemeanor to knowingly consume liquor brought into a

public establishment in violation of this section.

(b) This section does not apply to a person at an outdoor place of public entertainment that:

(1) has an area of at least four (4) acres and not more than six (6) acres;

(2) is located within one (1) mile of the White River;

(3) is owned and operated by a nonprofit corporation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and

(4) is used primarily in connection with live music concerts.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.714; P.L.94-2008, SEC.56.

IC 7.1-5-8-7
Repealed

(Repealed by P.L.102-1989, SEC.8.)

IC 7.1-5-8-8
Repealed

(Repealed by Acts 1978, P.L.51, SEC.8.)

IC 7.1-5-8-9
Purchase of beer from un-bonded brewery prohibited

Sec. 9. It is a Class C misdemeanor for a permittee to knowingly or intentionally purchase, receive, or import beer from a brewer or other person located outside this state unless the bond and agreement required by this title have been accepted by the commission and are currently effective.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.55.

IC 7.1-5-8-10
Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-9

Chapter 9. Miscellaneous Prohibited Interests

IC 7.1-5-9-1

Commission; prohibited interest

Sec. 1. (a) It is unlawful for a commissioner, an officer or employee of the commission, or a member of a local board, to have an interest, either proprietary or by means of a loan, mortgage, or lien, or in any other manner, or to own stock in a corporation which has an interest, in the premises where alcoholic beverages are manufactured or sold, or in a business wholly or partially devoted to the manufacture, sale, transportation, or storage of alcoholic beverages. The prohibition contained in this section shall not apply to an expert or professional employee employed by the commission only for a special undertaking. A person who violates a provision of this section also shall be dismissed as provided in this title.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.56.

IC 7.1-5-9-2

Brewer's or vintner's interest in wholesaler's permit prohibited; financial assistance

Sec. 2. (a) Except as provided in subsection (c), it is unlawful for the holder of a brewer's permit or for a brewer located outside Indiana that meets the requirements of IC 7.1-3-2-4 and IC 7.1-3-2-5 to hold, acquire, possess, own, or control, or to have an interest, claim, or title, in or to an establishment, company, or corporation holding or applying for a beer wholesaler's permit under this title, or in its business.

(b) Except as provided in subsection (c), it is unlawful for the holder of a vintner's permit or for a vintner located outside Indiana to hold, acquire, possess, own, or control, or to have an interest, claim, or title in or to, an establishment, company, or corporation holding or applying for a wine wholesaler's permit under this title, or in its business.

(c) A brewer covered by subsection (a) may provide financial assistance to the holder of a beer wholesaler's permit. A vintner covered by subsection (b) may provide financial assistance to the holder of the wine wholesaler's permit. The following conditions apply to the provision of financial assistance under this subsection:

(1) The brewer may not require that the holder of the beer wholesaler's permit, and the vintner may not require that the holder of a wine wholesaler's permit, accept the financial assistance.

(2) The financial assistance may be unsecured or secured.

(3) If the financial assistance is secured, it may be secured only by a security interest in the following property of the holder of the wholesaler's permit:

(A) Inventory of the products of the brewer or vintner.

(B) Premises or equipment, if the premises or equipment is used in the business of the holder of the wholesaler's permit.

(4) If the financial assistance is secured, the value of the property in which the security interest lies may not substantially exceed the debt secured.

(5) Except as provided in IC 7.1-3-2-9, the brewer or the vintner may not use financial assistance to acquire complete or partial control of the business of the holder of the wholesaler's permit.

(6) Except as provided in IC 7.1-3-2-9, the brewer or vintner must make available to all wholesalers (of any of its products) any assistance that it offers to any one (1) wholesaler of any of its products. This assistance must be provided on substantially identical terms. The brewer or vintner may not discriminate among wholesalers of any of its products in the enforcement of any terms related to assistance under this section.

(7) The brewer or vintner must report to the commission any assistance that it offers to a wholesaler under this section. It must make this report promptly after the assistance is offered.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.112-1987, SEC.9; P.L.72-1997, SEC.4; P.L.159-2014, SEC.57.

IC 7.1-5-9-3

Beer permittee's interest limited

Sec. 3. (a) This section applies to a brewer that manufactures more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana.

(b) It is unlawful for the holder of a brewer's or beer wholesaler's permit to have an interest in a liquor permit of any type under this title.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.88-1993, SEC.6; P.L.186-2011, SEC.12; P.L.71-2012, SEC.8; P.L.159-2014, SEC.58.

IC 7.1-5-9-4

Interest in another permit prohibited

Sec. 4. (a) Except as provided in IC 7.1-3-3-4, an applicant for a beer wholesaler's permit shall have no interest in the following:

(1) A permit to manufacture or to sell at retail alcoholic beverages of any kind.

(2) Any other permit to wholesale alcoholic beverages.

(3) Through stock ownership or otherwise, a partnership, limited liability company, or corporation that holds:

(A) a permit to manufacture or to sell at retail alcoholic beverages of any kind; or

(B) any other permit to wholesale alcoholic beverages of any

kind.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.51-1994, SEC.14; P.L.204-2001, SEC.59; P.L.159-2014, SEC.59.

IC 7.1-5-9-5
Repealed

(Repealed by P.L.72-2004, SEC.18.)

IC 7.1-5-9-6
Liquor permittee's interests limited

Sec. 6. (a) It is unlawful for the holder of a distiller's, rectifier's, or liquor wholesaler's permit to have an interest in a beer permit of any type under this title. This section does not apply to the holder of an artisan distiller's permit that has an interest in a brewer's permit under IC 7.1-3-2-7(5).

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.109-2013, SEC.10; P.L.159-2014, SEC.60.

IC 7.1-5-9-7 Version a
Artisan distillers, distillers, and rectifiers

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 7. Except as provided in IC 7.1-3-27-6, it is unlawful for the holder of an artisan distiller's, a distiller's, or a rectifier's permit to own, acquire, possess or cause to be transferred to the holder shares of stock of a corporation that holds an Indiana permit to sell alcoholic beverages at retail, or in a permit to sell at retail in this state, or to own or acquire an interest in the business being conducted under the permit, or in or to shares of stock in a corporation that owns a permit to sell at retail.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.109-2013, SEC.11; P.L.2-2014, SEC.32.

IC 7.1-5-9-7 Version b
Artisan distillers, distillers, and rectifiers

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 7. (a) Except as provided in IC 7.1-3-27-6, it is unlawful for the holder of an artisan distiller's, a distiller's, or a rectifier's permit to own, acquire, possess or cause to be transferred to the holder shares of stock of a corporation that holds an Indiana permit to sell alcoholic beverages at retail, or in a permit to sell at retail in this state, or to own or acquire an interest in the business being conducted under the permit, or in or to shares of stock in a corporation that owns a permit to sell at retail.

(b) A person who knowingly or intentionally violates this section

commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.109-2013, SEC.11; P.L.2-2014, SEC.32; P.L.159-2014, SEC.61.

IC 7.1-5-9-8
Certain interests prohibited

Sec. 8. (a) The holder of an artisan distiller's permit, a distiller's permit, or a rectifier's permit may not own, acquire, or possess a permit to sell liquor at wholesale. A distiller or rectifier may not have an interest in the business of a permittee who is authorized to sell beer, liquor, or wine at wholesale or retail.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.109-2013, SEC.12; P.L.159-2014, SEC.62.

IC 7.1-5-9-9
Wholesaler's interests limited

Sec. 9. (a) It is unlawful for a person who has an interest in a beer wholesaler's permit to acquire, hold, own, or possess an interest of any type in a beer dealer's or retailer's permit.

(b) It is unlawful for a person who has an interest in a liquor wholesaler's permit to acquire, hold, own, or possess an interest of any type in a liquor dealer's or retailer's permit.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.63.

IC 7.1-5-9-10
Retailer owning interest in another permit prohibited; microbrewery and artisan distiller exception

Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in:

(1) a brewer's permit for a brewery that manufactures not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana; and

(2) an artisan distiller's permit if the holder of the retailer's permit also holds a brewer's permit described in subdivision (1).

A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.72-2004, SEC.17; P.L.186-2011, SEC.13; P.L.71-2012, SEC.9; P.L.159-2014, SEC.64; P.L.70-2014, SEC.3.

IC 7.1-5-9-11

Repealed

(Repealed by Acts 1978, P.L.2, SEC.727.)

IC 7.1-5-9-12

Use of another's warehouse prohibited

Sec. 12. Use of Another's Warehouse Prohibited. It is unlawful for a holder of a brewer's permit, beer or liquor wholesaler's permit, or a beer or liquor retailer's permit, to own, operate, maintain on his own account, patronize, use, or employ a warehouse, storage, or depot, owned or operated by another person for the storage or keeping of an alcoholic beverage except at the plant or premises which is covered by his permit.

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

IC 7.1-5-9-13

Certain interests prohibited

Sec. 13. (a) A:

(1) proprietor of a drug store;

(2) corporation holding:

(A) an artisan distiller's permit;

(B) a distiller's permit;

(C) a brewer's permit;

(D) a wholesaler's permit; or

(E) a permit to retail or deal in alcoholic beverages; or

(3) a wholesale drug company or a person who is the proprietor of a wholesale drug company;

may not own or control or participate in the permit of a package liquor store, or in its business, or in its establishment.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.109-2013, SEC.13; P.L.159-2014, SEC.65.

IC 7.1-5-9-14

Sale to nonpermittee prohibited

Sec. 14. (a) It is unlawful for the holder of a brewer's, distiller's, rectifier's, or a wholesaler's permit of any type to sell an alcoholic beverage to a person who does not hold an appropriate permit under this title, unless the sale is the sale of an alcoholic beverage to a consumer or employee as expressly authorized in this title.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.94-2008, SEC.57; P.L.159-2014, SEC.66.

IC 7.1-5-9-15

Manager's questionnaire; violations; filing

Sec. 15. (a) The commission shall establish a manager's questionnaire for managers of licensed premises for the sale of alcoholic beverages.

(b) It is unlawful for a person to:

(1) manage; or

(2) buy when the transfer of the permit is contingent upon terms of a contract or an agreement;

a licensed premises for the sale of alcoholic beverages, unless the person has filed a valid manager's questionnaire with the commission.

(c) The filing of a manager's questionnaire under this section:

(1) is in addition to other requirements for managers under this title; and

(2) does not exempt the filer from IC 7.1-5-6-3.

(d) A person who knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

As added by P.L.52-1992, SEC.11. Amended by P.L.159-2014, SEC.67.

IC 7.1-5-10

Chapter 10. Unlawful Sales

IC 7.1-5-10-0.1

Application of certain amendments to chapter

Sec. 0.1. The addition of section 15.5 of this chapter by P.L.80-1986 does not apply to actions accruing before April 1, 1986.
As added by P.L.220-2011, SEC.180.

IC 7.1-5-10-1

Times when sales unlawful

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.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.51, SEC.7; P.L.3-1997, SEC.423; P.L.205-1999, SEC.18; P.L.94-2008, SEC.58; P.L.1-2009, SEC.63; P.L.10-2010, SEC.11; P.L.159-2014, SEC.68.

IC 7.1-5-10-2

Unauthorized sales prohibited

Sec. 2. (a) It is unlawful for a permittee to recklessly sell, keep for sale, barter, furnish, or give away an alcoholic beverage which the permittee is not entitled to sell, keep for sale, barter, furnish, or give away under the permit.

(b) A person who violates this section commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.715; P.L.159-2014, SEC.69.

IC 7.1-5-10-3

Unauthorized dealings prohibited

Sec. 3. (a) It is unlawful for a person who is not a permittee to recklessly give away or furnish, to a person other than a guest or a member of the permittee's family, or to recklessly sell, barter, or exchange, an alcoholic beverage unless the permittee is expressly

authorized to do so by this title.

(b) A person who violates this section commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.716; P.L.159-2014, SEC.70.

IC 7.1-5-10-4

Sale of untaxed alcoholic beverages prohibited

Sec. 4. (a) It is unlawful for a person to recklessly sell, give, withdraw for sale or gift, offer for sale, display, barter, exchange, purchase, receive, possess, transport, or store an alcoholic beverage upon which the appropriate excise tax and applicable license fee have not been paid.

(b) A person who violates this section commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.35.) As amended by Acts 1978, P.L.2, SEC.717; P.L.159-2014, SEC.71.

IC 7.1-5-10-5

Sale without permit prohibited

Sec. 5. (a) It is unlawful for a person, except as otherwise permitted by this title, to knowingly or intentionally purchase, receive, manufacture, import, or transport, or cause to be imported or transported from another state, territory, or country, into this state, or transport, ship, barter, give away, exchange, furnish, or otherwise handle, or dispose of an alcoholic beverage, or to possess an alcoholic beverage for purpose of sale.

(b) It is unlawful for a person to receive or acquire an alcoholic beverage from a person that the person knows does not hold, unrevoked, the appropriate permit under this title to sell, deliver, furnish, or give the alcoholic beverage to the person.

(c) A person who violates subsection (a) or (b) commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.72.

IC 7.1-5-10-6

Sale of adulterated or misbranded beverage prohibited

Sec. 6. (a) It is unlawful for a person to sell, offer or expose for sale, or have in the person's possession with intent to sell, an alcoholic beverage that is adulterated or misbranded.

(b) It is unlawful for a person to alter or change a brand, label, mark, design, device, or inscription that has reference to the kind, brand, age, quality, quantity, or other description of the alcoholic beverage contents of a bottle or container.

(c) The possession of an adulterated or misbranded alcoholic beverage by a permittee, or other person engaged in the manufacture or traffic in alcoholic beverages, is prima facie evidence of knowledge of the misbranding or adulteration and of an intent to violate a provision of this section.

(d) The possession by a permittee, or other person engaged in the alcoholic beverage traffic, of a bottle or container used, or intended to be used, for containing an alcoholic beverage on which a label, brand, mark, design, or device has been altered or changed is prima facie evidence of an intent to violate a provision of this section.

(e) A person who violates subsection (a) or knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.73.

IC 7.1-5-10-7
Purchase from non-permittee prohibited

Sec. 7. Purchase from Non-Permittee Prohibited. It is a Class C infraction for a person knowingly to purchase, or to agree to purchase, an alcoholic beverage from a person who does not at the time of the purchase hold a permit authorizing the seller to sell, or agree to sell, the alcoholic beverage to the purchaser.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.718.

IC 7.1-5-10-8
Solicitation of certain orders prohibited

Sec. 8. (a) It is unlawful for a person to solicit or receive, or to allow the person's employee to solicit or receive, an order for an alcoholic beverage from another person in violation of a provision of this title.

(b) It is unlawful for a person to give information of how an alcoholic beverage may be obtained in violation of a provision of this title.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.74.

IC 7.1-5-10-9
Alcoholic content regulation

Sec. 9. (a) It is unlawful, except as otherwise authorized in this title, for a person to sell, give away, barter, furnish, or exchange, or to possess or keep for a prohibited purpose, alcohol as a beverage, or a beverage or liquid likely to be used or intended to be used as a beverage, which has a content of alcohol that is higher than is permitted by the rules of the commission.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.75.

IC 7.1-5-10-10
Huckstering prohibited

Sec. 10. Huckstering Prohibited. It is a Class C misdemeanor for a permittee to recklessly deliver an alcoholic beverage to a consumer without an order for it, or to recklessly huckster or peddle an alcoholic beverage to a person who is not a permittee.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.719.

IC 7.1-5-10-11
Sale of cold beer prohibited

Sec. 11. (a) It is unlawful for the holder of a beer dealer's permit to offer or display for sale, or sell, barter, exchange or give away a bottle, can, container, or package of beer that was iced or cooled by the permittee before or at the time of the sale, exchange, or gift.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.76.

IC 7.1-5-10-12
Credit sales prohibited

Sec. 12. (a) Except as provided in subsections (b) through (d), it is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(b) A permittee may credit to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale and refund to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if it is returned to the permittee.

(c) A manufacturer may extend usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state.

(d) An artisan distiller, a distiller, or a liquor or wine wholesaler may extend credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only.

(e) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.72-1996, SEC.23; P.L.109-2013, SEC.14; P.L.159-2014, SEC.77.

IC 7.1-5-10-13
Cashing of certain checks prohibited

Sec. 13. (a) A permittee who holds a permit to sell at retail shall not cash a check issued by the division of family and children or by a charitable organization if any part of the proceeds of the check are

to be used to purchase an alcoholic beverage.

(b) A permittee who knowingly or intentionally violates this section commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.16-1986, SEC.5; P.L.4-1993, SEC.12; P.L.5-1993, SEC.24; P.L.146-2008, SEC.360; P.L.44-2009, SEC.3; P.L.159-2014, SEC.78.

IC 7.1-5-10-14
Repealed

(Repealed by P.L.159-2014, SEC.79.)

IC 7.1-5-10-15
Sale to intoxicated person prohibited

Sec. 15. (a) A person who, knowing that another person is intoxicated, sells, barters, delivers, or gives away an alcoholic beverage to the intoxicated person commits a Class B misdemeanor.

(b) In any civil proceeding in which damages are sought from a permittee or a permittee's agent for the refusal to serve a person an alcoholic beverage, it is a complete defense if the permittee or agent reasonably believed that the person was intoxicated or was otherwise not entitled to be served an alcoholic beverage.

(c) After charges have been filed against a person for a violation of subsection (a), the prosecuting attorney shall notify the commission of the charges filed.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.721; P.L.86-1985, SEC.1; P.L.125-2000, SEC.4; P.L.159-2014, SEC.80.

IC 7.1-5-10-15.5
Person furnishing alcoholic beverage; civil liability for damages; "furnish" defined

Sec. 15.5. (a) As used in this section, "furnish" includes barter, deliver, sell, exchange, provide, or give away.

(b) A person who furnishes an alcoholic beverage to a person is not liable in a civil action for damages caused by the impairment or intoxication of the person who was furnished the alcoholic beverage unless:

(1) the person furnishing the alcoholic beverage had actual knowledge that the person to whom the alcoholic beverage was furnished was visibly intoxicated at the time the alcoholic beverage was furnished; and

(2) the intoxication of the person to whom the alcoholic beverage was furnished was a proximate cause of the death, injury, or damage alleged in the complaint.

(c) If a person who is at least twenty-one (21) years of age suffers injury or death proximately caused by the person's voluntary intoxication, the:

(1) person;

(2) person's dependents;

(3) person's personal representative; or

(4) person's heirs;

may not assert a claim for damages for personal injury or death against a person who furnished an alcoholic beverage that contributed to the person's intoxication, unless subsections (b)(1) and (b)(2) apply.

As added by P.L.80-1986, SEC.1. Amended by P.L.76-1996, SEC.1.

IC 7.1-5-10-16
Repealed

(Repealed by P.L.159-2014, SEC.81.)

IC 7.1-5-10-17
Repealed

(Repealed by P.L.28-2014, SEC.2.)

IC 7.1-5-10-18
Repealed

(Repealed by P.L.159-2014, SEC.82.)

IC 7.1-5-10-19
Repealed

(Repealed by P.L.159-2014, SEC.83.)

IC 7.1-5-10-20
Unlawful acts by retailers

Sec. 20. (a) It is unlawful for a holder of a retailer's permit to do any of the following:

(1) Sell alcoholic beverages during a portion of the day at a price that is reduced from the usual, customary, or established price that the permittee charges during the remainder of that day.

(2) Furnish two (2) or more servings of an alcoholic beverage upon the placing of an order for one (1) serving to one (1) person for that person's personal consumption.

(3) Charge a single price for the required purchase of two (2) or more servings of an alcoholic beverage.

(b) Subsection (a) applies to private clubs but does not apply to private functions that are not open to the public.

(c) Notwithstanding subsection (a)(1), it is lawful for a holder of a retailer's permit to sell alcoholic beverages during a portion of the day at a price that is increased from the usual, customary, or established price that the permittee charges during the remainder of that day as long as the price increase is charged when the permittee provides paid live entertainment not incidental to the services customarily provided.

(d) Notwithstanding subsection (a), section 12 of this chapter, and IC 7.1-5-5-7, it is lawful for a hotel, in an area of the hotel in which alcoholic beverages are not sold, to make available to its registered guests and their guests alcoholic beverages at no additional charge beyond what is to be paid by the registered guests as the room rate.

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

As added by P.L.86-1985, SEC.2. Amended by P.L.79-1986, SEC.5; P.L.159-2014, SEC.84.

IC 7.1-5-10-21

Visiting or maintaining place unlawfully selling alcoholic beverages; violation

Sec. 21. (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other place when it is being used by any person to buy an alcoholic beverage (if the sale is in violation of section 5 of this chapter) commits visiting a common nuisance, a Class B misdemeanor.

(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used for the sale of alcoholic beverages (if the sale is in violation of section 5 of this chapter) commits maintaining a common nuisance, a Level 6 felony.

As added by P.L.176-1986, SEC.3. Amended by P.L.158-2013, SEC.128.

IC 7.1-5-10-22

Unlawful sale of flavored malt beverage

Sec. 22. (a) It is unlawful for a retailer or dealer to sell a flavored malt beverage except under the same conditions that a retailer or dealer is permitted to sell beer or other alcoholic beverages obtained by the fermentation of an infusion or decoction of barley malt or other cereal and hops in water.

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

As added by P.L.72-1996, SEC.24. Amended by P.L.159-2014, SEC.85.

IC 7.1-5-10-23

Purchases for consumption off the licensed premises; proof of age

Sec. 23. It is a Class B misdemeanor for a permittee or an employee or agent of a permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person who is or reasonably appears to be less than forty (40) years of age an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce:

(1) a driver's license;

(2) an identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government; or

(3) a government issued document;

bearing the person's photograph and birth date showing that the person is at least twenty-one (21) years of age.

As added by P.L.10-2010, SEC.12. Amended by P.L.216-2011, SEC.3.

IC 7.1-5-11

Chapter 11. Unlawful Transportation

IC 7.1-5-11-1

Importation limited

Sec. 1. A person who knowingly or intentionally imports liquor into this state without specific authorization under this title commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.86.

IC 7.1-5-11-1.5

Shipments of alcoholic beverages to residents without valid wholesaler permits; violations

Sec. 1.5. (a) Except as provided in IC 7.1-3-26, it is unlawful for a person in the business of selling alcoholic beverages in Indiana or outside Indiana to ship or cause to be shipped an alcoholic beverage directly to a person in Indiana who does not hold a valid wholesaler permit under this title. This includes the ordering and selling of alcoholic beverages over a computer network (as defined by IC 35-43-2-3(a)).

(b) An in-state or an out-of-state vintner, distiller, brewer, rectifier, or importer that:

(1) holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(2) knowingly violates subsection (a);

commits a Class A misdemeanor.

(c) A person who is not an in-state or an out-of-state vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives who knowingly violates subsection (a) commits a Level 6 felony.

(d) Upon a determination by the commission that a person has violated subsection (a), a wholesaler may not accept a shipment of alcoholic beverages from the person for a period of up to one (1) year as determined by the commission.

(e) If the chairman of the alcohol and tobacco commission or the attorney general determines that a vintner, distiller, brewer, rectifier, or importer that holds a basic permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has made an illegal shipment of an alcoholic beverage to consumers in Indiana, the chairman shall:

(1) notify the federal Bureau of Alcohol, Tobacco, Firearms and Explosives in writing and by certified mail of the official determination that state law has been violated; and

(2) request the federal bureau to take appropriate action.

(f) The commission shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.121-1998, SEC.2. Amended by P.L.165-2006, SEC.38; P.L.159-2014, SEC.87.

IC 7.1-5-11-2
Transportation limited

Sec. 2. (a) It is unlawful for a carrier who is required to obtain a carrier's alcoholic permit by IC 7.1-3-18 to transport alcoholic beverages over or along a public highway within this state unless the carrier has applied for a carrier's alcoholic permit and been issued:

(1) a carrier's alcoholic permit; or

(2) specific authorization from the commission to transport alcoholic beverages on a public highway under rules adopted by the commission.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.88.

IC 7.1-5-11-3
Transportation in non-registered vehicles prohibited

Sec. 3. (a) It is unlawful for the holder of a carrier's alcoholic permit to import or transport alcoholic beverages in a vehicle that has not been registered with the commission as required by this title.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.89.

IC 7.1-5-11-4
Deliveries limited

Sec. 4. (a) It is unlawful for an officer, agent, or employee of a railroad company, express company, or other common carrier to recklessly deliver:

(1) an alcoholic beverage to a person other than the person to whom it is consigned;

(2) it without a written order by the consignee; or

(3) it to a person when the alcoholic beverage has been consigned to a fictitious person or a person under a fictitious name.

(b) A person who violates this section commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.724; P.L.159-2014, SEC.90.

IC 7.1-5-11-5
Transportation of untaxed beverage prohibited; exemptions

Sec. 5. (a) This section does not apply to a permittee, or a licensed carrier for a permittee, who is lawfully entitled to hold or possess an alcoholic beverage without the payment of the excise tax on the alcoholic beverage before the time the alcoholic beverage is withdrawn for sale.

(b) A person who transports an alcoholic beverage on a public highway, knowing that any of the taxes due the state on it have not

been paid, commits a Level 6 felony.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.725; P.L.1-1999, SEC.20; P.L.158-2013, SEC.129; P.L.159-2014, SEC.91.

IC 7.1-5-11-6
Devious transportation prohibited

Sec. 6. (a) It is unlawful for a person to use or employ, or agree to use or employ, a method of transportation, or device, or fictitious name, or fictitious routing, or to enter into a scheme or method of transportation, or to resort to a trick or device, with the intent to evade, avoid, or defeat the collection of a tax imposed by this title, or to evade or prevent the enforcement of a provision of this title.

(b) A person who violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the amount of tax is at least seven hundred fifty dollars ($750).
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.92.

IC 7.1-5-11-7
False shipments prohibited

Sec. 7. (a) It is unlawful for a consignee to accept or receive a package that contains an alcoholic beverage upon which appears a statement, label, address, superscription, shipping direction, legend, or design which the person knows is false or misleading.

(b) It is unlawful for a carrier, or other person, to consign, ship, transport, or deliver a package that contains an alcoholic beverage if the person knows that a statement, label, address, superscription, shipping direction, legend, or design on it is false or misleading.

(c) A person who violates subsection (a) or (b) commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.93.

IC 7.1-5-11-8
Delivery to non-consignee prohibited

Sec. 8. (a) It is unlawful for a person to present or tender for transportation to a carrier or a person acting or assuming to act for a carrier an alcoholic beverage:

(1) for delivery to a person other than the consignee designated by the person offering the alcoholic beverage for shipment; or
(2) for the purpose of effecting a delivery of the alcoholic beverage to a person not permitted to receive it as consignee:
(A) under the provisions of this title;
(B) under the provisions of a rule of the commission; or
(C) because the person is not the bona fide consignee of the shipment.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014,

SEC.94.

IC 7.1-5-11-9
Violation of transportation contract prohibited

Sec. 9. (a) It is unlawful for a carrier or a person acting or assuming to act for a carrier, to deliver an alcoholic beverage in this state to a person, or at a place, other than the person, or place, or both, designated in the bill of lading or transportation contract.

(b) It is unlawful for a person to accept for transportation a shipment containing an alcoholic beverage, knowing that the shipment is intended for a person not permitted to receive it under the provisions of this title, or under a rule of the commission.

(c) A person who knowingly or intentionally violates subsection (a), or who violates subsection (b), commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.95.

IC 7.1-5-11-10
Transportation of liquor limited

Sec. 10. (a) This section applies only if the commission has adopted a rule requiring a mark or label of identification to be displayed on the outside of a package containing liquor.

(b) It is unlawful for a person to transport liquor or cause it to be transported upon a public highway into this state from another state, territory, or country, or to transport or cause it to be transported along or over a public highway in this state, unless there is displayed on the outside of the package, in plain view, a mark or label of identification required by a rule adopted by the commission.

(c) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.36.) As amended by P.L.159-2014, SEC.96.

IC 7.1-5-11-11
Bill of lading or other evidence of ownership required

Sec. 11. (a) It is unlawful for a person to transport into this state upon a public highway of this state, an alcoholic beverage from another state, territory, or country, unless the person accompanying, or in charge of the shipment, has present and available for exhibition:

(1) a bill of lading; or

(2) other evidence of ownership or shipment authorized by a rule adopted by the commission.

(b) It is unlawful for a person to refuse to exhibit, or permit to be read or examined, the bill of lading or other evidence of ownership or shipment upon a lawful demand of the chairman, or of a police officer of the state, or of a governmental subdivision of it.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.
(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.97.

IC 7.1-5-11-12
Use of highway for evasion prohibited

Sec. 12. (a) It is unlawful for a person to use or employ a public highway in this state with the intent of evading a provision of this title.

(b) A person who violates this section commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.98.

IC 7.1-5-11-13
Recordkeeping required

Sec. 13. (a) A railroad company, an express company, and a common carrier shall keep in the office at which delivery of an alcoholic beverage to a consignee is made, a separate record in which shall be entered the information required by this title for the shipment of an alcoholic beverage.

(b) This record shall be open to the inspection of the chairman.

(c) An agent, officer, or employee of a railroad company, express company, or common carrier who knowingly or intentionally violates this section commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.99.

IC 7.1-5-11-14
False statement prohibited

Sec. 14. (a) It is unlawful for a person to make a false statement to a railroad, express, or transportation company for the purpose of obtaining an alcoholic beverage.

(b) It is unlawful for a person to make a false statement to a person engaged in the business of transporting goods, wares, and merchandise for the purpose of obtaining the shipment, transportation, or delivery of an alcoholic beverage.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.100.

IC 7.1-5-11-15
Transportation of unowned goods limited

Sec. 15. (a) This section does not apply to the shipment of an alcoholic beverage from another state in continuous transit through this state into another state unless the shipment is intended to evade a provision of this title.

(b) This section does not prohibit a person, other than a permittee, from bringing into this state a quantity of:

(1) wine not exceeding eighteen (18) liters; or

(2) liquor not exceeding one (1) quart;

if the person is a traveler in the ordinary course of travel and if it is not intended for sale to another person.

(c) It is unlawful for a person to import or transport an alcoholic beverage that is not at that time the absolute property of an authorized permittee under this title.

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

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.165-2006, SEC.39; P.L.159-2014, SEC.101.

IC 7.1-5-11-16

Transportation to retailer or dealer on Sunday prohibited

Sec. 16. It is a Class C misdemeanor for a person to knowingly or intentionally deliver or transport an alcoholic beverage to the holder of a retailer's or dealer's permit of any type, except a temporary beer or wine permit, on Sunday.

(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.59, SEC.9.) As amended by Acts 1978, P.L.2, SEC.726; P.L.159-2014, SEC.102.

IC 7.1-5-12

Chapter 12. Prohibition on Smoking

IC 7.1-5-12-0.5

"Ashtray"

Sec. 0.5. As used in this chapter, "ashtray" means any receptacle that is used for disposing of smoking materials, including ash and filters.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-1

"Place of employment"

Sec. 1. As used in this chapter, "place of employment" means an enclosed area of a structure that is a place of employment. The term does not include a private vehicle.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-2

"Public place"

Sec. 2. As used in this chapter, "public place" means an enclosed area of a structure in which the public is invited or permitted.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-3

"Smoking"

Sec. 3. As used in this chapter, "smoking" means the:

(1) carrying or holding of a lighted cigarette, cigar, or pipe or any other lighted tobacco smoking equipment; or

(2) inhalation or exhalation of smoke from lighted tobacco smoking equipment.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-4

Places smoking is prohibited; duties of employers and person in charge of a place of employment or public place

Sec. 4. (a) Except as provided in section 5 of this chapter, smoking is prohibited in the following:

(1) A public place.

(2) A place of employment.

(3) A vehicle owned, leased, or operated by the state if the vehicle is being used for a governmental function.

(4) The area within eight (8) feet of a public entrance to:

(A) a public place; or

(B) a place of employment.

(b) An employer shall inform each of the employer's employees and prospective employees of the smoking prohibition applying to the place of employment.

(c) An owner, operator, manager, or official in charge of a public place or place of employment shall remove ashtrays or other smoking paraphernalia from areas of the public place or place of employment

where smoking is prohibited under this chapter. However, this subsection does not prohibit the display of ashtrays or other smoking paraphernalia that are intended only for retail sale.

(d) This subsection does not apply to an owner, an operator, a manager, or an official in charge of a public place or place of employment in which smoking is allowed under section 5 of this chapter. An owner, operator, manager, or official in charge of a public place or place of employment shall post conspicuous signs at each public entrance that read "State Law Prohibits Smoking Within 8 Feet of this Entrance" or other similar language.

As added by P.L.141-2012, SEC.2. Amended by P.L.70-2014, SEC.4.

IC 7.1-5-12-5

Exceptions to smoking ban; signage; areas where smoking is prohibited in exempted premises; verified statement

Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:

(A) owned or leased by the owner of the riverboat; and

(B) located on land that is adjacent to:

(i) the dock to which the riverboat is moored; or

(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).

(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(4) A satellite facility licensed under IC 4-31-5.5.

(5) An establishment owned or leased by a business that meets the following requirements:

(A) The business was in business and permitted smoking on December 31, 2012.

(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(D) The business limits smoking in the establishment to either:

(i) cigar smoking; or

(ii) smoking with a waterpipe or hookah device.

(E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from:

(i) the sale of cigars and the rental of onsite humidors; or

(ii) the sale of loose tobacco for use in a waterpipe or hookah device.

(F) The person in charge of the business posts in the establishment conspicuous signs that display the message

that cigarette smoking is prohibited.

(6) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

(D) The business, during a meeting of the business's members, voted within the previous two (2) years to allow smoking on the premises.

(E) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i); and

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i).

(7) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:

(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30, 2012.

(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.

(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.

(E) Food or beverages are not sold in a manner that requires consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(8) A bar or tavern:

(A) for which a permittee holds:

(i) a beer retailer's permit under IC 7.1-3-4;

(ii) a liquor retailer's permit under IC 7.1-3-9; or

(iii) a wine retailer's permit under IC 7.1-3-14;

(B) that does not employ an individual who is less than eighteen (18) years of age;

(C) that does not allow an individual who:

(i) is less than twenty-one (21) years of age; and

(ii) is not an employee of the bar or tavern;

to enter any area of the bar or tavern; and

(D) that is not located in a business that would otherwise be

subject to this chapter.

(9) A cigar manufacturing facility that does not offer retail sales.

(10) A premises of a cigar specialty store to which all of the following apply:

(A) The owner or operator of the store held a valid tobacco sales certificate issued under IC 7.1-3-18.5 on June 30, 2012.

(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.

(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.

(D) Smoking is allowed only in the room described in clause (C).

(E) Individuals who are less than eighteen (18) years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.

(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that cigarette smoking is prohibited.

(H) Food or beverages are not sold in a manner that requires consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

(11) The premises of a business that is located in the business owner's private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through (a)(10):

(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.

(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional

information concerning the exemption of the establishment or premises.
As added by P.L.141-2012, SEC.2. Amended by P.L.70-2014, SEC.5.

IC 7.1-5-12-6
Enforcement

Sec. 6. (a) The commission shall enforce this chapter.

(b) This chapter may also be enforced by:

(1) the state department of health established by IC 16-19-1-1;

(2) a local health department, as defined in IC 16-18-2-211;

(3) a health and hospital corporation established by IC 16-22-8-6;

(4) the division of fire and building safety established within the department of homeland security by IC 10-19-7-1; and

(5) a law enforcement officer;

in cooperation with the commission.

(c) The commission, the state department of health, a local health department, a health and hospital corporation, the division of fire and building safety, or a law enforcement officer may inspect premises that are subject to this chapter to ensure that the person responsible for the premises is in compliance with this chapter.
As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-7
Duties of person in charge of a public place

Sec. 7. (a) This section does not apply to an establishment or premises in which smoking is allowed under section 5 of this chapter.

(b) The owner, operator, manager, or official in charge of a public place shall do the following:

(1) Post conspicuous signs that read "Smoking Is Prohibited By State Law" or other similar language.

(2) Ask an individual who is smoking in violation of this chapter to refrain from smoking.

(3) Cause to be removed from the public place an individual who is smoking in violation of this chapter and fails to refrain from smoking after being asked to refrain from smoking.

(c) In addition to the requirements under subsection (b), the owner or operator of a restaurant shall post a conspicuous sign at each entrance to the restaurant informing the public that smoking is prohibited in the restaurant.
As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-8
Smoking in a prohibited area; penalty

Sec. 8. (a) A person who smokes in an area where smoking is prohibited by this chapter commits prohibited smoking, a Class B infraction, except as provided in subsection (b).

(b) A person who smokes in an area where smoking is prohibited by this chapter commits prohibited smoking, a Class A infraction if

the person has been adjudged to have committed at least three (3) prior unrelated infractions under:

(1) this section; or

(2) IC 16-41-37-4 (before its repeal).

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-9

Civil actions

Sec. 9. (a) A local health department may enforce this chapter by filing a civil action under IC 16-20-1-26.

(b) A health and hospital corporation may enforce this chapter by filing a civil action under IC 16-22-8-31.

(c) The division of fire and building safety may enforce this chapter by filing a civil action under IC 22-12-7-13.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-10

Failure to comply with requirements; penalty

Sec. 10. (a) An owner, manager, operator, or official in charge of a public place or place of employment who fails to comply with a requirement imposed by this chapter commits a Class B infraction, except as provided in subsection (b).

(b) A failure to comply described in subsection (a) is a Class A infraction if the owner, manager, operator, or official has been adjudged to have committed at least three (3) prior unrelated infractions under this chapter.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-11

Discharge, refusal to hire, or retaliation against employee prohibited

Sec. 11. An owner, a manager, or an employer shall not discharge, refuse to hire, or in any manner retaliate against an individual for:

(1) reporting a violation of this chapter; or

(2) exercising any right or satisfying any obligation under this chapter.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-12

Smoking in school bus; prohibited

Sec. 12. (a) As used in this section, "school bus" means a motor vehicle that is:

(1) designed and constructed for the accommodation of at least ten (10) passengers;

(2) owned or operated by a public or governmental agency, or privately owned and operated for compensation; and

(3) used for the transportation of school children to and from the following:

(A) School.

(B) School athletic games or contests.

(C) Other school functions.

(b) As used in this section, "school week" means a week that:

(1) begins on Monday and ends on Friday; and

(2) includes at least three (3) days during which, on each day, more than four (4) hours of classroom instruction are provided.

(c) A person who smokes in a school bus during a school week or while the school bus is being used for the transportation of school children to and from:

(1) a school;

(2) a school athletic game or contest; or

(3) another school function;

commits a Class B infraction, except as provided in subsection (d).

(d) A person who smokes in a school bus as described in subsection (c) commits a Class A infraction if the person, within the twelve (12) months immediately preceding the person's act of smoking in a school bus, committed at least three (3) prior unrelated acts of smoking in a school bus for which the person was adjudged to have committed infractions under this section.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-13

Local ordinances

Sec. 13. (a) This chapter does not prohibit a county, city, town, or other governmental unit from adopting an ordinance more restrictive than this chapter.

(b) This chapter does not supersede a smoking ordinance that is adopted by a county, city, town, or other governmental unit before the effective date of this chapter and that is more restrictive than this chapter.

As added by P.L.141-2012, SEC.2.

IC 7.1-5-12-14

Annual report

Sec. 14. Beginning in 2013, the commission shall present an annual report to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 concerning the implementation and enforcement activities taken under this chapter. The report must include the number of smoking related inspections conducted and violations for the previous calendar year. The commission shall submit the report in electronic format under IC 5-14-6 to the legislative services agency not later than September 1 of each year.

As added by P.L.141-2012, SEC.2. Amended by P.L.53-2014, SEC.73.

IC 7.1-6

ARTICLE 6. YOUTH TOBACCO SALES AND ENFORCEMENT

IC 7.1-6-1

Chapter 1. Definitions

IC 7.1-6-1-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.256-1996, SEC.2.

IC 7.1-6-1-2

"Person"

Sec. 2. "Person" has the meaning set forth in IC 35-31.5-2-234.

As added by P.L.256-1996, SEC.2. Amended by P.L.114-2012, SEC.16.

IC 7.1-6-1-3

"Tobacco product"

Sec. 3. "Tobacco product" means a product that contains tobacco and is intended for human consumption.

As added by P.L.256-1996, SEC.2.

IC 7.1-6-2

Chapter 2. Youth Tobacco Law Enforcement Authority

IC 7.1-6-2-0.3

Intent of general assembly regarding implementation and enforcement of article

Sec. 0.3. It is the intent of the general assembly that this article be:

(1) implemented in an equitable and a uniform manner throughout Indiana; and

(2) enforced to ensure the eligibility for and receipt of any federal funds or grants that the state receives or may receive relating to P.L.256-1996.

As added by P.L.220-2011, SEC.181.

IC 7.1-6-2-0.4

Payment of penalties under section 8 of chapter; no imposition of late payment penalties; conditions

Sec. 0.4. Notwithstanding the addition of section 8 of this chapter by P.L.204-2001, a person may pay a civil penalty:

(1) to which section 8 of this chapter, as added by P.L.204-2001, applies; and

(2) that was imposed by a court before July 1, 2001;

before August 1, 2001, without the imposition of a late payment penalty or interest under section 8 of this chapter, as added by P.L.204-2001. After July 30, 2001, late payment penalties and interest shall be added to the civil penalty as if section 8 of this chapter, as added by P.L.204-2001, were in effect on the date that the civil penalty was imposed.

As added by P.L.220-2011, SEC.182.

IC 7.1-6-2-1

Enforcement

Sec. 1. The commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may enforce this article to the extent necessary to ensure the state's compliance with:

(1) Section 1926 of the Public Health Service Act (42 U.S.C. 300x-26); and

(2) implementing regulations promulgated by the United States Department of Health and Human Services.

As added by P.L.256-1996, SEC.2.

IC 7.1-6-2-2

Unannounced inspections

Sec. 2. The division of mental health and addiction established under IC 12-21 shall coordinate the conduct of random unannounced inspections at locations where tobacco products are sold or distributed to ensure compliance with this article. Only the commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal

corporation may conduct the random unannounced inspections. These entities may use retired or off-duty law enforcement officers to conduct inspections under this section.
As added by P.L.256-1996, SEC.2. Amended by P.L.215-2001, SEC.13.

IC 7.1-6-2-3
Sale of cigarettes without health warning prohibited

Sec. 3. (a) It is unlawful for a person to sell cigarettes other than in an unopened package originating with the manufacturer that bears the health warning required by federal law.

(b) A person who violates this section commits a Class C infraction.
As added by P.L.256-1996, SEC.2.

IC 7.1-6-2-4
Participation by minor in enforcement action

Sec. 4. (a) An enforcement officer vested with full police powers and duties may engage a person less than eighteen (18) years of age as part of an enforcement action under this article if the initial or contemporaneous receipt or purchase of a tobacco product or electronic cigarette by a person less than eighteen (18) years of age occurs under the direction of an enforcement officer vested with full police powers and duties and is part of the enforcement action.

(b) An enforcement officer vested with full police powers and duties shall not:

(1) recruit or attempt to recruit a person less than eighteen (18) years of age to participate in an enforcement action under subsection (a) at the scene of a violation of section 2 of this chapter; or

(2) allow a person less than eighteen (18) years of age to purchase or receive a tobacco product or electronic cigarette as part of an enforcement action under subsection (a) without the written permission of the person's parents or legal guardians.

As added by P.L.256-1996, SEC.2. Amended by P.L.20-2013, SEC.2.

IC 7.1-6-2-5
Annual report

Sec. 5. The division of mental health and addiction established under IC 12-21 shall annually prepare for submission to the Secretary of the United States Department of Health and Human Services the report required by Section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) and implementing regulations promulgated under that act.
As added by P.L.256-1996, SEC.2. Amended by P.L.215-2001, SEC.14.

IC 7.1-6-2-6
Youth tobacco education and enforcement fund

Sec. 6. (a) The Richard D. Doyle youth tobacco education and

enforcement fund is established. The fund shall be administered by the commission.

(b) Expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund shall be used for the following purposes:

(1) For youth smoking prevention education. The commission may contract with the state department of health or the office of the secretary of family and social services for youth smoking prevention education programs.

(2) For education and training of retailers who sell tobacco products. The commission may contract with education and training programs of the office of the secretary of family and social services, the division of mental health and addiction, enforcement officers, or a program approved by the commission.

(3) For the commission, for enforcement of youth tobacco laws.

As added by P.L.177-1999, SEC.9. Amended by P.L.204-2001, SEC.57; P.L.215-2001, SEC.15; P.L.1-2002, SEC.36; P.L.252-2003, SEC.5.

IC 7.1-6-2-8

Payment of civil penalties; late penalties; interest

Sec. 8. (a) This section applies whenever a civil penalty payable to the Richard D. Doyle youth tobacco education and enforcement fund is imposed.

(b) The person liable for the civil penalty shall pay the full amount of the civil penalty to the commission within thirty (30) days after final judgment.

(c) A person who fails to pay a civil penalty within the time specified in subsection (b) is liable for a late penalty equal to the greater of the following:

(1) Twenty-five percent (25%) of the amount of the civil penalty imposed under IC 35-46-1.

(2) The lesser of the following:

(A) Twenty-five dollars ($25) multiplied by the number of days that have elapsed after the date that the civil penalty was imposed by a court.

(B) Five thousand dollars ($5,000).

(d) A person who fails to pay a civil penalty within the time specified in subsection (b) is liable for interest on the unpaid amount of the:

(1) civil penalty imposed by a court; and

(2) late penalty imposed under this section.

The interest rate is the adjusted rate of interest as determined under IC 6-8.1-10-1 payable from the date that payment of the amount was

due.

(e) A person who fails to pay a civil penalty within the time specified in subsection (b) is liable for the reasonable documented out-of-pocket expenses incurred in pursuing collection efforts.

(f) The commission shall collect the following:

(1) Civil penalties imposed by a court.

(2) Late penalties imposed under this section.

(3) Interest imposed under this section.

(4) Reasonable documented out-of-pocket expenses incurred in pursuing collection efforts.

(g) Late penalties and interest imposed under this section shall be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established by section 6 of this chapter.

As added by P.L.204-2001, SEC.58. Amended by P.L.252-2003, SEC.6.