

Second Regular Session 111th General Assembly (2000)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

## SENATE ENROLLED ACT No. 353

AN ACT to amend the Indiana Code concerning alcoholic beverages.

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

SECTION 1. IC 7.1-3-1-14, AS AMENDED BY P.L.205-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 supplemental retailer's permit which is not specified in subsection (c) to sell the appropriate alcoholic beverages on Sunday from noon, prevailing local time, until 12:30 a.m., prevailing local time, the following day.

(c) It is lawful for the holder of a supplemental retailer's permit to sell the appropriate alcoholic beverages on Sunday from 11:00 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day if the holder of the permit meets the following criteria:

- (1) the holder of the permit is a hotel; or
- (2) the holder of the permit meets the requirements of 905 IAC 1-41-2(a).

(d) Notwithstanding subsections (b) and (c), if December 31 (New

SEA 353 — CC 1+



C  
O  
P  
Y

Year's Eve) is on a Sunday, it is lawful for the holder of a supplemental retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31 from the time provided in subsection (b) or (c) until 3 a.m. the following day.

(e) 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 ~~oval~~ track more than two (2) miles in ~~circumference~~ **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.

(f) 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.

SECTION 2. IC 7.1-3-1-25, AS AMENDED BY P.L.205-1999, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: 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 city of the second class.
- (3) A county having a population of more than one hundred thirty thousand six hundred (130,600) but less than two hundred thousand (200,000).
- (4) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (5) A city having a population of less than ten thousand (10,000) that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (6) A county having a population of more than one hundred eight thousand nine hundred fifty (108,950) but less than one hundred



twelve thousand (112,000).

(7) A county having a population of more than one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950).

(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 thousand (100,000) but less than one hundred seven thousand (107,000); 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 thousand (30,000) and less than seventy-five thousand (75,000); 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:

(1) has a population of:

(A) more than fifty-eight thousand (58,000) but less than sixty thousand (60,000); or

(B) more than forty thousand (40,000) but less than forty-three thousand (43,000); and

(2) 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 thirty-three thousand eight hundred fifty (33,850) but less than thirty-five thousand (35,000); and

C  
O  
P  
Y



(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 one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).
- (2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (3) A city having a population of more than thirty-three thousand (33,000) but less than thirty-three thousand eight hundred fifty (33,850).
- (4) A city having a population of more than twenty-seven thousand (27,000) but less than thirty thousand (30,000).
- (5) A city having a population of more than twenty-one thousand eight hundred thirty (21,830) but less than twenty-three thousand (23,000).

(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.

SECTION 3. IC 7.1-3-20-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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  
O  
P  
Y

(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.

SECTION 4. IC 7.1-5-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Serving of Setups Prohibited.~~ (a) It is unlawful for a person who owns or operates a private or public restaurant or place of public or private entertainment to permit another person to come into ~~his~~ **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 ~~his~~ **the** establishment. However, the provisions of this section shall 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 of more than two (2) miles in length that is used primarily in the sport of auto racing.**

(b) An establishment operated in violation of this section ~~hereby~~ is declared to be a public nuisance and subject to abatement as other public nuisances are abated under the provisions of this title.

SECTION 5. IC 7.1-5-8-5, AS AMENDED BY P.L.177-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 paved track more than two (2) miles in length that is used primarily in the sport of auto racing.**

(c) It is a Class C misdemeanor for a person, for ~~his~~ **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.

**SECTION 6. An emergency is declared for this act.**

C  
o  
p  
y



---

President of the Senate

---

President Pro Tempore

---

Speaker of the House of Representatives

Approved: \_\_\_\_\_

---

Governor of the State of Indiana

C  
o  
p  
y

SEA 353 — CC 1+

