

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1479 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2007]: **Sec. 18.5. (a) "Grocery store" means**
6 **a store or a part of a store that:**
7 **(1) has the primary North American Industry Classification**
8 **System (NAICS) classification 445110 or 452910; and**
9 **(2) is primarily engaged in the retail sale of a general food**
10 **line, which may include:**
11 **(A) canned and frozen foods;**
12 **(B) dry goods, including tea, coffee, sugar, and flour;**
13 **(C) fresh fruits and vegetables; and**
14 **(D) fresh and prepared meats.**
15 **(b) The term does not include a store that has less than two**
16 **hundred fifty thousand dollars (\$250,000) in annual gross sales of**
17 **food, excluding the following:**
18 **(1) Candy, confectionaries, and chewing gum.**
19 **(2) Alcoholic beverages.**
20 **(3) Cocktail mixers.**
21 **(4) Soft drinks, sodas, and other similar beverages.**
22 **(5) Medicines, tonics, vitamins, and other dietary**
23 **supplements.**
24 **(6) Water (except natural spring water), mineral water,**

- 1 **carbonated water, and ice.**
 2 **(7) Pet food.**
 3 **(8) Food furnished, prepared, or served for consumption at a**
 4 **location, or on equipment, provided by the retail merchant.**
 5 **(9) Meals served by a retail merchant off the merchant's**
 6 **premises.**
 7 **(10) Food sold by a retail merchant who ordinarily bags,**
 8 **wraps, or packages the food for immediate consumption on or**
 9 **near the merchant's premises, including food sold on a "take**
 10 **out" or "to go" basis.**
 11 **(11) Food sold through a vending machine.**
 12 **(12) Tobacco products."**

13 Page 4, between lines 13 and 14, begin a new paragraph and insert:
 14 "SECTION 4. IC 7.1-3-5-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The commission
 16 may issue a beer dealer's permit only to an applicant who is the
 17 proprietor of a drug store, grocery store, or package liquor store.

18 (b) The commission may issue a beer dealer's permit to an applicant
 19 that is a foreign corporation if:

- 20 (1) the applicant is duly admitted to do business in Indiana;
 21 (2) the sale of beer is within the applicant's corporate powers; and
 22 (3) the applicant is otherwise qualified under this title.

23 (c) The commission shall not issue a beer dealer's permit to a person
 24 who is disqualified under the special disqualifications. However, the
 25 special disqualification listed in IC 7.1-3-4-2(a)(13) shall not apply to
 26 an applicant for a beer dealer's permit.

27 (d) Notwithstanding subsection (a), the commission may renew a
 28 beer dealer's permit for an applicant who:

- 29 (1) held a permit before July 1, 1997; and
 30 (2) is the proprietor of a confectionery or a store that:
 31 (A) is not a drug store, grocery store, or package liquor store;
 32 (B) is in good repute; and
 33 (C) in the judgment of the commission, deals in merchandise
 34 that is not incompatible with the sale of beer.

35 **(e) The alcohol and tobacco commission may renew or transfer**
 36 **ownership of a beer dealer's permit for a beer dealer who:**

- 37 **(1) held a beer dealer's permit issued for a grocery store**
 38 **before July 1, 2007; and**
 39 **(2) after June 30, 2007, does not qualify for a permit as a**
 40 **grocery store."**

41 Page 6, between lines 30 and 31, begin a new paragraph and insert:
 42 "SECTION 10. [EFFECTIVE JULY 1, 2007] **(a) The validity of a**
 43 **beer dealer's permit in effect on June 30, 2007, is not affected by**
 44 **IC 7.1-1-3-18.5, as added by this act.**

45 **(b) This SECTION expires July 1, 2008."**

46 Renumber all SECTIONS consecutively.

(Reference is to HB 1479 as printed February 9, 2007.)

Representative Burton