

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE ENROLLED ACT No. 236

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AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 7.1-1-2-2, AS AMENDED BY P.L.141-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Except as provided in IC 7.1-5-1-3, ~~and 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.

SECTION 2. IC 7.1-2-3-27 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 27: Duty to Report Illegal Influence. It is the duty of an officer or employee of the state or of one (1) of its political subdivisions or municipal corporations solicited in violation of the provisions of IC 1971, 7.1-5-5-1, to report that fact to the commission:~~

SECTION 3. IC 7.1-3-23-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 18: Revocation for Illegal Influence. The commission shall deny the application, or revoke the permit, of an applicant or permittee who violates the provisions of IC 1971, 7.1-5-5-1.~~

SECTION 4. IC 7.1-3-26-5, AS ADDED BY P.L.165-2006,



SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 5. IC 7.1-3-26-6, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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).**

SECTION 6. IC 7.1-3-26-10, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. It is unlawful for the **(a) Except as provided in subsection (b), the holder of a farm winery brandy distiller's permit to ship or cause to be shipped 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.

SECTION 7. IC 7.1-3-26-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 15. (a) Except as provided in subsections (b) and (c), a seller who violates this chapter commits a Class A infraction:

(b) Except as provided in subsection (d), a seller who:

- (1) knowingly or intentionally violates this chapter; and
- (2) has one (1) prior unrelated conviction or judgment for an infraction under this section 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;

commits a Class A misdemeanor:

(c) Except as provided in subsection (d), a seller who:

- (1) knowingly or intentionally violates this chapter; and
- (2) has at least two (2) prior unrelated convictions or judgments for infractions under this section 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;

commits a Level 6 felony:

(d) A person who violates section 6(5) of this chapter commits a Class A infraction. The commission may consider an infraction committed under this subsection in its determination of whether to renew a seller's permit.

SECTION 8. IC 7.1-3-26-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 16. If a direct wine seller is charged under section 15 of this chapter with selling to a consumer who does not meet the requirements of section 6 of this chapter, it is a defense to the charge if the direct wine seller obtained from the consumer the verified statement required under section 6(4)(C) or 6(5)(A) of this chapter and produces a copy of the verified statement.



SECTION 9. IC 7.1-3-27-3, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 10. IC 7.1-3-27-8, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 11. IC 7.1-3-27-9, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 12. IC 7.1-3-27-10, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 13. IC 7.1-3-27-11, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 14. IC 7.1-3-27-12, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 15. IC 7.1-3-27-13, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 16. IC 7.1-3-27-14, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 17. IC 7.1-3-27-15, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 18. IC 7.1-5-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~(a) Prohibition Against Commercial Purposes.~~ 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.**

SECTION 19. IC 7.1-5-1-8 IS REPEALED [EFFECTIVE JULY 1,



2014]. Sec. 8: General Penalty Provision: A person who violates a provision of this title for which no other penalty is provided commits a Class B misdemeanor:

SECTION 20. IC 7.1-5-1-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 9: A person who knowingly violates IC 7.1-5-4-3; IC 7.1-5-4-6; or IC 7.1-5-6-4 commits a Level 6 felony:

SECTION 21. IC 7.1-5-1-9.5, AS AMENDED BY P.L.109-2013, SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 126, IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 9.5: (a) An in state or an out of state vintner, *artisan distiller*, 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 IC 7.1-5-11-1.5;

commits a Class A misdemeanor:

(b) A person who:

(1) is not described in subsection (a); and

(2) knowingly violates IC 7.1-5-11-1.5;

commits a *Class D Level 6* felony:

(c) If the chairman of the alcohol and tobacco commission or the attorney general determines that a vintner, *an artisan distiller*, *a distiller*, *a brewer*, *a rectifier*, or *an 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:

SECTION 22. IC 7.1-5-2-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 2: It is unlawful for a person to advertise the proof or the amount or percentage of alcohol in beer or wine. It is lawful for a person to advertise the proof or the amount or percentage of alcohol in liquor:

SECTION 23. IC 7.1-5-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Signs Regulated:~~ (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 ~~his the~~ business authorized by ~~his the~~ holder's permit.





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

SECTION 24. IC 7.1-5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Gift of Outside Sign Prohibited.~~ **(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 ~~also~~, 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 ~~this section~~: **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.**

SECTION 25. IC 7.1-5-2-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6: A person who violates section 4 of this chapter commits a Class C infraction. Each day during which a violation of that section continues is a separate infraction.~~

SECTION 26. IC 7.1-5-2-7, AS AMENDED BY P.L.15-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 27. IC 7.1-5-3-1, AS AMENDED BY P.L.6-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 28. IC 7.1-5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Sale from Original Container Only.~~ **(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.**

SECTION 29. IC 7.1-5-3-4, AS AMENDED BY P.L.6-2012, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 30. IC 7.1-5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Possession of Untaxed Beverages Prohibited.~~ 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.

SECTION 31. IC 7.1-5-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Unlawful Furnishing of Evidence of Payment of Tax Prohibited.~~ (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.**

SECTION 32. IC 7.1-5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Possession of Counterfeit Permit Prohibited.~~ (a) It is unlawful for a person to possess an article, instrument, imitation, or counterfeit of a permit, other than one lawfully issued to ~~him~~ **the person** and which ~~he~~ **the person** is lawfully entitled to possess.

(b) It is unlawful ~~also~~, 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).**

SECTION 33. IC 7.1-5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Fraudulent Statement Prohibited:~~ **(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).**

SECTION 34. IC 7.1-5-5-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 4. ~~Issuance of Permits: Illegal Influence Prohibited:~~ It is unlawful for a permittee, or an applicant for a permit, to solicit or accept the assistance of an officer or employee of the state, or of one (1) of its political subdivisions or municipal corporations, or of the United States, or of a political party or political committee, in obtaining the issuance or renewal of a permit or in preventing the suspension or revocation of a permit. This section shall have no application to an officer or employee of the commission nor to a member of a local board. This section does not prohibit the employment of an attorney, regardless of political affiliations, by a permittee or applicant, in obtaining the issuance or renewal of a permit or in preventing the suspension or revocation of a permit.

SECTION 35. IC 7.1-5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Commission: Receiving Gifts Prohibited:~~ **(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 the provisions of this section also subsection (a) shall be dismissed as provided in this title.**

SECTION 36. IC 7.1-5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Illegal Influence Prohibited:~~ **(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.**

SECTION 37. IC 7.1-5-5-7, AS AMENDED BY P.L.233-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 38. IC 7.1-5-5-9, AS AMENDED BY P.L.94-2008, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 ~~knowingly or intentionally~~ 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.**

SECTION 39. IC 7.1-5-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. ~~Acceptance of Gift by Retailer Prohibited.~~ (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).**

SECTION 40. IC 7.1-5-5-11, AS AMENDED BY P.L.224-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 ~~him~~ **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.**

SECTION 41. IC 7.1-5-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. ~~Amateur Athletics: Soliciting Assistance Prohibited.~~ (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 also is unlawful for a permittee who is solicited in violation of this section 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).**

SECTION 42. IC 7.1-5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Making Alcoholic Beverages Without Permit Prohibited.~~ (a) It is a Class C misdemeanor for a person to knowingly own, have in ~~his~~ **the person's** possession or



under ~~his 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 ~~also~~ is a Class C misdemeanor for a person to knowingly own, have in ~~his the person's~~ possession or under ~~his the person's~~ control, or use brewing or wine-making ~~appratus; apparatus,~~ apparatus, for the manufacture for commercial purposes of beer or wine, except as otherwise provided in this title.

SECTION 43. IC 7.1-5-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Acting As Salesman Without Permit Prohibited:~~ (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 ~~also~~ 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 ~~shall~~ **does** not apply to a permittee of any type, ~~his a permittee's agents; agent,~~ 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.**

SECTION 44. IC 7.1-5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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, ~~within not later than~~ **within 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, ~~within not later than~~ **within 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.

SECTION 45. IC 7.1-5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Falsification of Record Prohibited:~~ (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 ~~also~~ 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.**

SECTION 46. IC 7.1-5-7-0.3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 0.3. Notwithstanding the amendments made to section 13 of this chapter by P.L.204-2001, not later than July 1, 2002, the commission shall adopt the rules required by section 13(b)(1), as amended by P.L.204-2001.~~

SECTION 47. IC 7.1-5-7-1, AS AMENDED BY HEA 1279-2014, SECTION 2, AND AS AMENDED BY HEA 1005-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. It is a Class C ~~infraction~~ **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.

SECTION 48. IC 7.1-5-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.

SECTION 49. IC 7.1-5-7-7, AS AMENDED BY HEA 1279-2014, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 50. IC 7.1-5-7-8, AS AMENDED BY P.L.158-2013, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 ~~such~~ the institution or its agent:

**(1) sells, barter, 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.**

SECTION 51. IC 7.1-5-7-10, AS AMENDED BY HEA 1279-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) It is a Class C ~~misdemeanor~~ **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.

SECTION 52. IC 7.1-5-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.

SECTION 53. IC 7.1-5-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~Notice From Parents.~~ 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 ~~person~~ **minor** is in fact a minor and directing that ~~he~~ **the minor** be excluded from the licensed premises.

SECTION 54. IC 7.1-5-8-4, AS AMENDED BY P.L.94-2008, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) It is ~~unlawful~~ **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 ~~shall~~ **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.

SECTION 55. IC 7.1-5-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Purchase of Beer from Un-Bonded Brewery Prohibited.~~ It is ~~unlawful~~ **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 ~~the provisions of IC 1971, 7.1-3-2,~~ **this title** have been accepted by the commission and are currently effective.

SECTION 56. IC 7.1-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Commissioner Prohibited Interests.~~ (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~~ **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.**

SECTION 57. IC 7.1-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 58. IC 7.1-5-9-3, AS AMENDED BY P.L.71-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 59. IC 7.1-5-9-4 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 60. IC 7.1-5-9-6, AS AMENDED BY P.L.109-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 61. IC 7.1-5-9-7, AS AMENDED BY SEA 24-2014, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 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.**

SECTION 62. IC 7.1-5-9-8, AS AMENDED BY P.L.109-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 63. IC 7.1-5-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Wholesaler's Interests Limited.~~ (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 ~~also~~, 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.**

SECTION 64. IC 7.1-5-9-10, AS AMENDED BY P.L.71-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 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.

**(c) A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.**

SECTION 65. IC 7.1-5-9-13, AS AMENDED BY P.L.109-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **(a) A:**

(1) ~~The~~ proprietor of a drug store; a

(2) corporation holding:

(A) an artisan distiller's permit;

(B) a distiller's permit; ~~or~~

(C) a brewer's permit;

(D) ~~or~~ a wholesaler's permit; or

(E) a permit to retail or deal in alcoholic beverages; ~~or~~

(3) a wholesale drug company ~~and~~ ~~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.**

SECTION 66. IC 7.1-5-9-14, AS AMENDED BY P.L.94-2008,



SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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, ~~However, this section shall not apply to~~ **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.**

SECTION 67. IC 7.1-5-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 68. IC 7.1-5-10-1, AS AMENDED BY P.L.10-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 69. IC 7.1-5-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Unauthorized Sales Prohibited:~~ (a) It is unlawful for a permittee to recklessly sell, keep for sale, barter, furnish, or give away an alcoholic beverage which ~~he the~~ **permittee** is not entitled to sell, keep for sale, barter, furnish, or give away under ~~his the~~ **the permit**.

**(b) A person who violates this section commits a Class B misdemeanor.**

SECTION 70. IC 7.1-5-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Unauthorized Dealings Prohibited:~~ (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 ~~his the~~ **the permittee's** family, or to recklessly sell, barter, or exchange, an alcoholic beverage unless ~~he the~~ **the permittee** is expressly authorized to do so by this title.

**(b) A person who violates this section commits a Class B misdemeanor.**

SECTION 71. IC 7.1-5-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Sale of Untaxed Alcoholic Beverages Prohibited:~~ (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.**

SECTION 72. IC 7.1-5-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. ~~Sale Without Permit Prohibited:~~ (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 ~~also,~~ for a person ~~knowingly~~ to receive or acquire an alcoholic beverage from a person ~~that the person knows who~~ **that the person knows who** does not hold, unrevoked, the appropriate permit under this title to sell, deliver, furnish, or give the alcoholic beverage to ~~him the~~ **the person**.

**(c) A person who violates subsection (a) or (b) commits a Class B misdemeanor.**



SECTION 73. IC 7.1-5-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Sale of Adulterated or Misbranded Beverage Prohibited.~~ (a) It is unlawful for a person to sell, offer or expose for sale, or have in ~~his~~ **the person's** possession with intent to sell, an alcoholic beverage that is adulterated or misbranded.

(b) It is unlawful ~~also~~, 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.**

SECTION 74. IC 7.1-5-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~Solicitation of Certain Orders Prohibited.~~ (a) It is unlawful for a person to solicit or receive, or to allow ~~his~~ **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 ~~also~~, 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.**

SECTION 75. IC 7.1-5-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Alcoholic Content Regulation.~~ (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 ~~and regulation~~ of the commission.



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

SECTION 76. IC 7.1-5-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. ~~Sale of Cold Beer Prohibited.~~ **(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.**

SECTION 77. IC 7.1-5-10-12, AS AMENDED BY P.L.109-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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) This section shall not prohibit** A permittee ~~from crediting~~ **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 ~~This section shall not prohibit a permittee from refunding 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) This section shall not prohibit** A manufacturer ~~from extending~~ **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) This section shall not prohibit** An artisan distiller, a distiller, or a liquor or wine wholesaler ~~from extending~~ **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.**

SECTION 78. IC 7.1-5-10-13, AS AMENDED BY P.L.44-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **(a)** A permittee who holds a permit to sell at retail shall not cash a check issued by the ~~county office of the division of family resources~~ **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.**

SECTION 79. IC 7.1-5-10-14 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 14: Sales to Habitual Drunkards Prohibited: It is unlawful for a permittee to sell, barter, exchange, give, provide, or furnish an alcoholic beverage to a person whom he knows to be a habitual drunkard.~~

SECTION 80. IC 7.1-5-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: ~~Sec. 15. (a) It is unlawful for a person to sell, barter, deliver, or give away~~ **A person who, knowing that another person is intoxicated, sells, barter, delivers, or gives away** an alcoholic beverage to ~~another the intoxicated~~ **another the intoxicated** person who is in a state of intoxication if the person knows that the other person is ~~intoxicated: 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.

SECTION 81. IC 7.1-5-10-16 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16: Sale to Inmate Prohibited: It is a Class C infraction for a person to furnish an alcoholic beverage to a person confined in a penal facility: It is unlawful, also, for a person who has charge of a penal facility to knowingly permit a prisoner confined within his jurisdiction to receive an alcoholic beverage unless it has been prescribed by a physician as medicine for the prisoner.~~

SECTION 82. IC 7.1-5-10-18 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 18: Taking Beverage from Train Prohibited: It is unlawful for the holder of a dining car permit to sell an alcoholic beverage to a person for the purpose of its being carried off the train: It also is unlawful for a person to carry an alcoholic beverage off a train that was purchased on it:~~

SECTION 83. IC 7.1-5-10-19 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 19: Taking Beverage from Boat Prohibited: It is unlawful for the holder of a boat permit to sell an alcoholic beverage to a person for the purpose of its being carried off the boat. It also is unlawful for a person to carry an alcoholic beverage off a boat that was purchased~~



on it:

SECTION 84. IC 7.1-5-10-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 85. IC 7.1-5-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

SECTION 86. IC 7.1-5-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~Importation Limited:~~ **A person who knowingly or intentionally** ~~It is unlawful for a person to import~~ **imports** liquor into this state ~~unless he is specifically authorized to do so by this title:~~ **without specific authorization under this title commits a Class B misdemeanor.**

SECTION 87. IC 7.1-5-11-1.5, AS AMENDED BY P.L.165-2006,



SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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.**

~~(b)~~ **(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.**

~~(c)~~ **(f) The commission shall adopt rules under IC 4-22-2 to implement this section.**

SECTION 88. IC 7.1-5-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. ~~Transportation Limited.~~ **(a) It is unlawful for a carrier who is required to obtain a carrier's alcoholic permit by ~~IC 1971~~, IC 7.1-3-18 to transport alcoholic beverages over or along a public highway within this state unless he 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.**

SECTION 89. IC 7.1-5-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~Transportation in Non-Registered Vehicles Prohibited.~~ (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.**

SECTION 90. IC 7.1-5-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. ~~Deliveries Limited.~~ (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.**

SECTION 91. IC 7.1-5-11-5, AS AMENDED BY P.L.158-2013, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. It is a ~~Level 6 felony~~ for a person to transport (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 ~~are have not been not paid, commits a Level 6 felony.~~ ~~This section does not apply to a permittee, or a duly licensed carrier for a permittee, who is lawfully entitled to hold or possess an alcoholic beverage without the payment of the excise tax on it prior to the time that it is withdrawn for sale.~~

SECTION 92. IC 7.1-5-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. ~~Devious~~



~~Transportation Prohibited.~~ (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).**

SECTION 93. IC 7.1-5-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~False Shipments Prohibited.~~ (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 is ~~known to him to be~~ **the person knows is** false or misleading.

~~(b) It is unlawful also,~~ for a carrier, or other person, to consign, ship, transport, or deliver a package that contains an alcoholic beverage **knowing if the person knows that** a statement, label, address, superscription, shipping direction, legend, or design on it ~~to be~~ **is** false or misleading.

**(c) A person who violates subsection (a) or (b) commits a Class B misdemeanor.**

SECTION 94. IC 7.1-5-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. ~~Delivery to Non-Consignee Prohibited.~~ (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; ~~or~~

**(B) under the provisions** of a rule ~~and regulation~~ of the commission; or

~~(C) to a~~ **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.**

SECTION 95. IC 7.1-5-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~Violation of~~





~~Transportation Contract Prohibited:~~ (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 ~~also~~, 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 ~~of under~~ a rule ~~or regulation~~ of the commission.

**(c) A person who knowingly or intentionally violates subsection (a), or who violates subsection (b), commits a Class B misdemeanor.**

SECTION 96. IC 7.1-5-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. ~~Transportation of Liquor Limited:~~ **(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 ~~as the commission, by rule or regulation, may require:~~ **required by a rule adopted by the commission.**

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

SECTION 97. IC 7.1-5-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. ~~Bill of Lading Required:~~ (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, ~~shall have~~ **has** present and available for exhibition:

(1) a bill of lading; or

(2) other evidence of ownership or shipment ~~as authorized by a rule adopted by the commission. by rule or regulation, may require:~~ **authorized by a rule adopted by the commission.**

(b) It is unlawful ~~also~~, 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.**



SECTION 98. IC 7.1-5-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. ~~Use of Highway for Evasion Prohibited.~~ (a) It is unlawful for a person to use or employ a public highway in this state for the purpose with the intent of evading a provision of this title.

(b) **A person who violates this section commits a Class B misdemeanor.**

SECTION 99. IC 7.1-5-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. ~~Keeping of Record Required.~~ (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) ~~It is unlawful for~~ An agent, officer, or employee of a railroad company, express company, or common carrier ~~to violate a provision of who knowingly or intentionally violates~~ this section **commits a Class B misdemeanor.**

SECTION 100. IC 7.1-5-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. ~~False Statement Prohibited.~~ (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 ~~also~~, 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.**

SECTION 101. IC 7.1-5-11-15, AS AMENDED BY P.L.165-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. ~~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.~~ (a) This section ~~shall 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 ~~shall 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.**

SECTION 102. IC 7.1-5-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. ~~Transportation on Sunday Prohibited.~~ 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.

SECTION 103. IC 9-24-18-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 8: (a) ~~The bureau shall suspend for a mandatory period of at least ninety (90) days the current driving license or permit of a person who:~~

- (1) ~~uses or has possession of a driving license or permit of another person with the intent to violate or evade or to attempt to violate or evade any provision of law relating to the sale, purchase, use, or possession of alcoholic beverages; or~~
- (2) ~~is convicted of the offenses listed in IC 7.1-5-7-1(b) or IC 7.1-5-7-10.~~

~~(b) The mandatory suspension provided by this section is in addition to all other sanctions provided by section 7 of this chapter and IC 9-30-4-9.~~

SECTION 104. IC 9-24-18-12.2, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.2 Upon receipt of a court order under IC 7.1-5-7-7 (minor consuming or transporting alcohol), the bureau shall suspend the minor's driving privileges for the period ordered by the court. If the court fails to recommend a fixed term of suspension, or recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under IC 7.1-5-7.**

SECTION 105. IC 35-51-7-1, AS AMENDED BY P.L.6-2012, SECTION 237, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 7.1:

IC 7.1-3-10-10 (Concerning liquor dealer's permits).

**IC 7.1-3-26-5 (Concerning direct wine seller's permits).**



**IC 7.1-3-26-6 (Concerning direct wine seller's permits).**  
**IC 7.1-3-26-10 (Concerning farm winery brandy distiller's permits).**  
~~IC 7.1-3-26-15 (Concerning direct wine seller's permits).~~  
**IC 7.1-3-27-3 (Concerning artisan distiller's permits).**  
**IC 7.1-3-27-8 (Concerning artisan distiller's permits).**  
**IC 7.1-3-27-9 (Concerning artisan distiller's permits).**  
**IC 7.1-3-27-10 (Concerning artisan distiller's permits).**  
**IC 7.1-3-27-11 (Concerning artisan distiller's permits).**  
**IC 7.1-3-27-12 (Concerning artisan distiller's permits).**  
**IC 7.1-3-27-13 (Concerning artisan distiller's permits).**  
**IC 7.1-3-27-14 (Concerning artisan distiller's permits).**  
**IC 7.1-3-27-15 (Concerning artisan distiller's permits).**  
**IC 7.1-5-1-1 (Concerning alcohol).**  
 IC 7.1-5-1-3 (Concerning public intoxication).  
 IC 7.1-5-1-6 (Concerning public intoxication).  
~~IC 7.1-5-1-8 (Concerning alcohol).~~  
~~IC 7.1-5-1-9 (Concerning alcohol).~~  
~~IC 7.1-5-1-9.5 (Concerning alcohol).~~  
 IC 7.1-5-1-12 (Concerning alcohol).  
**IC 7.1-5-2-3 (Concerning signs).**  
**IC 7.1-5-2-7 (Concerning signs).**  
**IC 7.1-5-3-1 (Concerning containers).**  
**IC 7.1-5-3-2 (Concerning containers).**  
**IC 7.1-5-3-4 (Concerning containers).**  
 IC 7.1-5-4-1 (Concerning alcohol).  
**IC 7.1-5-4-3 (Concerning alcohol).**  
**IC 7.1-5-4-5 (Concerning permits).**  
**IC 7.1-5-4-6 (Concerning alcohol).**  
**IC 7.1-5-5-2 (Concerning permits).**  
**IC 7.1-5-5-3 (Concerning permits).**  
**IC 7.1-5-5-7 (Concerning discounts).**  
**IC 7.1-5-5-9 (Concerning agreements).**  
**IC 7.1-5-5-10 (Concerning gifts).**  
**IC 7.1-5-5-11 (Concerning rebates).**  
**IC 7.1-5-5-12 (Concerning athletics).**  
 IC 7.1-5-6-1 (Concerning alcohol).  
**IC 7.1-5-6-2 (Concerning sales).**  
**IC 7.1-5-6-3 (Concerning sales).**  
**IC 7.1-5-6-4 (Concerning permits).**  
 IC 7.1-5-7-1 (Concerning alcohol).  
 IC 7.1-5-7-2 (Concerning alcohol).



IC 7.1-5-7-7 (Concerning alcohol).  
 IC 7.1-5-7-8 (Concerning alcohol).  
 IC 7.1-5-7-10 (Concerning alcohol).  
 IC 7.1-5-7-12 (Concerning alcohol).  
 IC 7.1-5-7-14 (Concerning alcohol).  
 IC 7.1-5-8-1 (Concerning alcohol and tobacco).  
 IC 7.1-5-8-3 (Concerning alcohol).  
**IC 7.1-5-8-4 (Concerning sales).**  
 IC 7.1-5-8-5 (Concerning alcohol).  
 IC 7.1-5-8-6 (Concerning alcohol).  
**IC 7.1-5-8-9 (Concerning sales).**  
**IC 7.1-5-9-1 (Concerning interests).**  
**IC 7.1-5-9-2 (Concerning interests).**  
**IC 7.1-5-9-3 (Concerning interests).**  
**IC 7.1-5-9-4 (Concerning interests).**  
**IC 7.1-5-9-6 (Concerning interests).**  
**IC 7.1-5-9-7 (Concerning interests).**  
**IC 7.1-5-9-8 (Concerning permits).**  
**IC 7.1-5-9-9 (Concerning interests).**  
**IC 7.1-5-9-10 (Concerning interests).**  
**IC 7.1-5-9-13 (Concerning interests).**  
**IC 7.1-5-9-14 (Concerning sales).**  
**IC 7.1-5-9-15 (Concerning questionnaires).**  
**IC 7.1-5-10-1 (Concerning sales).**  
**IC 7.1-5-10-2 (Concerning sales).**  
**IC 7.1-5-10-3 (Concerning sales).**  
**IC 7.1-5-10-4 (Concerning sales).**  
**IC 7.1-5-10-5 (Concerning sales).**  
**IC 7.1-5-10-6 (Concerning sales).**  
**IC 7.1-5-10-8 (Concerning solicitation).**  
**IC 7.1-5-10-9 (Concerning sales).**  
 IC 7.1-5-10-10 (Concerning alcohol).  
**IC 7.1-5-10-11 (Concerning sales).**  
**IC 7.1-5-10-12 (Concerning sales).**  
**IC 7.1-5-10-13 (Concerning sales).**  
**IC 7.1-5-10-15 (Concerning sales).**  
**IC 7.1-5-10-17 (Concerning sales).**  
**IC 7.1-5-10-20 (Concerning sales).**  
 IC 7.1-5-10-21 (Concerning alcohol).  
**IC 7.1-5-10-22 (Concerning sales).**  
 IC 7.1-5-10-23 (Concerning alcohol).  
**IC 7.1-5-11-1 (Concerning importation).**



**IC 7.1-5-11-1.5 (Concerning importation).**  
**IC 7.1-5-11-2 (Concerning transportation).**  
**IC 7.1-5-11-3 (Concerning transportation).**  
**IC 7.1-5-11-4 (Concerning delivery).**  
IC 7.1-5-11-5 (Concerning alcohol).  
**IC 7.1-5-11-6 (Concerning transportation).**  
**IC 7.1-5-11-7 (Concerning shipments).**  
**IC 7.1-5-11-8 (Concerning transportation).**  
**IC 7.1-5-11-9 (Concerning transportation).**  
**IC 7.1-5-11-10 (Concerning transportation).**  
**IC 7.1-5-11-11 (Concerning transportation).**  
**IC 7.1-5-11-12 (Concerning transportation).**  
**IC 7.1-5-11-13 (Concerning recordkeeping).**  
**IC 7.1-5-11-14 (Concerning false statements).**  
**IC 7.1-5-11-15 (Concerning transportation).**  
IC 7.1-5-11-16 (Concerning alcohol).



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

