

HOUSE BILL No. 1128

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-21.

Synopsis: Alcoholic beverage permits near schools or churches. Prohibits the alcohol and tobacco commission from issuing, renewing, or transferring an alcoholic beverage permit after June 30, 2016, if a wall of the permit premises is within 1,000 feet from a wall of a school or church. Exempts the following: (1) Premises that were issued a permit under previous law. (2) Certain types of premises, if the school or church does not object to the permit. Makes a stylistic change.

Effective: July 1, 2016.

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January 7, 2016, read first time and referred to Committee on Public Policy.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1128

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

1 SECTION 1. IC 7.1-3-21-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) ~~An application~~
3 ~~for a permit for premises situated within a distance of two hundred~~
4 ~~(200) feet from an elementary or secondary school or church must~~
5 ~~disclose this fact. This subsection applies only to an application for~~
6 ~~a new permit for premises that is received by the commission~~
7 ~~before July 1, 2016. An application for a permit for premises must~~
8 ~~disclose whether the premises are situated within two hundred~~
9 ~~(200) feet from:~~
10 (1) an elementary school;
11 (2) a secondary school; or
12 (3) a church.
13 (b) This subsection applies only to an application for a permit
14 that is received by the commission after June 30, 2016. An
15 application for a permit for premises must disclose whether the
16 premises are situated within one thousand (1,000) feet from:
17 (1) an elementary school;



- 1 **(2) a secondary school; or**
 2 **(3) a church.**
 3 ~~(b)~~ **(c)** The local board shall state, if required by the commission, in
 4 the questionnaire its opinion as to the propriety of granting the
 5 particular application.
 6 SECTION 2. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015,
 7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2016]: Sec. 11. (a) As used in this section, "wall" means a
 9 wall of a building. The term does not include a boundary wall.
 10 **(b) This subsection applies only to the issuance of a permit for**
 11 **premises before July 1, 2016, and any:**
 12 **(1) renewal; or**
 13 **(2) transfer of the ownership;**
 14 **of the permit after June 30, 2016. However, this subsection does**
 15 **not apply if a permit has been issued for the premises under the**
 16 **provisions of Acts 1933, Chapter 80.** Except as provided in
 17 subsections ~~(c)~~; **(d)** and ~~(g)~~; **(h)**, the commission may not issue a permit
 18 for a premises if a wall of the premises is situated within two hundred
 19 (200) feet from a wall of a school or church. ~~if no permit has been~~
 20 ~~issued for the premises under the provisions of Acts 1933, Chapter 80.~~
 21 **(c) This subsection applies only to the issuance of a permit for**
 22 **premises after June 30, 2016, and any:**
 23 **(1) renewal; or**
 24 **(2) transfer of the ownership;**
 25 **of the permit. However, this subsection does not apply if a permit**
 26 **has been issued for the premises under the provisions of Acts 1933,**
 27 **Chapter 80. Except as provided in subsections (d) and (h), the**
 28 **commission may not issue a permit for a premises if a wall of the**
 29 **premises is situated within one thousand (1,000) feet from a wall of**
 30 **a school or church.**
 31 ~~(e)~~ **(d)** This section does not apply to the premises of a:
 32 (1) grocery store, drug store, restaurant, hotel, catering hall, or
 33 location for which the use of a supplemental catering permit has
 34 been approved if:
 35 (A) a wall of the premises is situated:
 36 **(i) within two hundred (200) feet from a wall of a school or**
 37 **church, or school in the case of a permit for premises to**
 38 **which subsection (b) applies; or**
 39 **(ii) within one thousand (1,000) feet from a wall of a**
 40 **school or church, in the case of a permit to which**
 41 **subsection (c) applies;**
 42 (B) the commission receives a written statement from the



1 authorized representative of the **school or church or school**
 2 stating expressly that the **school or church or school** does not
 3 object to the issuance of the permit for the premises; and
 4 (C) the commission determines that the **school or church or**
 5 **school** does not object to the issuance of the permit for the
 6 premises; or
 7 (2) **school or church or school** that applies for a temporary beer
 8 or wine permit.
 9 ~~(d)~~ (e) The commission shall base its determination under
 10 subsection ~~(e)(1)(C)~~ **(d)(1)(C)** solely on the written statement of the
 11 authorized representative of the **school or church or school**.
 12 ~~(e)~~ (f) If the commission does not receive the written statement of
 13 the authorized representative of the **school or church or school**; the
 14 premises of the grocery store, drug store, restaurant, hotel, catering
 15 hall, or location for which the use of a supplemental catering permit
 16 has been approved may not obtain the waiver allowed under this
 17 section.
 18 ~~(f)~~ (g) If the commission determines that the **school or church or**
 19 **school** does not object, this section and ~~IC 7.1-3-21-10~~ **section 10 of**
 20 **this chapter** do not apply to the permit premises of the grocery store,
 21 drug store, restaurant, hotel, or catering hall on a subsequent renewal
 22 or transfer of ownership.
 23 ~~(g)~~ (h) If the commission:
 24 (1) receives a written statement from the authorized
 25 representative of a **school or church or school** as described in
 26 subsection ~~(e)(1)(B)~~ **(d)(1)(B)**; and
 27 (2) determines the **school or church or school** does not object as
 28 described in subsection ~~(e)(1)(C)~~ **(d)(1)(C)**;
 29 the commission may not consider subsequent objections from the
 30 **school or church or school** to the issuance of the same permit type at
 31 the same premises location.

