



Reprinted
April 10, 2019

ENGROSSED SENATE BILL No. 179

DIGEST OF SB 179 (Updated April 9, 2019 6:01 pm - DI 106)

Citations Affected: IC 7.1-1; IC 7.1-5.

Synopsis: Alcohol regulation. Amends the definition of "entertainment" for purposes of alcohol regulation to include meals, beverages, and ground transportation provided in connection with entertainment. Provides that "entertainment complex" means a premises that is a site for the performance of musical, theatrical, or other entertainment and that either: (1) has audience seating for at least 200 individuals and is used by a nonprofit organization primarily for musical or theatrical entertainment; or (2) has permanent seating for at least 2,000 individuals and is located in a historic district or in a facility on the National Register of Historic Places. Permits an alcohol manufacturer, wholesaler, or retailer to provide free or discounted rides to a consumer for the purpose of furthering public safety. Specifies that the provision of a free or discounted ride may not be conditioned on the purchase of an alcoholic beverage.

Effective: July 1, 2019.

Alting, Bohacek, Randolph Lonnie M
(HOUSE SPONSORS — SMALTZ, MOED)

January 3, 2019, read first time and referred to Committee on Public Policy.
January 31, 2019, amended, reported favorably — Do Pass.
February 4, 2019, read second time, ordered engrossed. Engrossed.
February 5, 2019, returned to second reading.
February 7, 2019, re-read second time, amended, ordered engrossed.
February 8, 2019, re-engrossed.
February 11, 2019, read third time, passed. Yeas 43, nays 6.

HOUSE ACTION

February 26, 2019, read first time and referred to Committee on Public Policy.
April 4, 2019, reported — Do Pass.
April 9, 2019, read second time, amended, ordered engrossed.

ES 179—LS 6417/DI 120



Reprinted
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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 179

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 7.1-1-3-16.4, AS ADDED BY P.L.270-2017,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 16.4. "Entertainment", for purposes of IC 7.1-5-5,
4 means **one (1) or more of** the following:
5 (1) Participation in a sporting event.
6 (2) Attendance at a sporting event or an event featuring live
7 performances.
8 **(3) Meals.**
9 **(4) Beverages.**
10 **(5) Ground transportation provided in connection with an**
11 **activity described in subdivisions (1) through (4).**
12 SECTION 2. IC 7.1-1-3-16.5 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.5. The term
14 "entertainment complex" means a premises that:
15 (1) is a site for the performance of musical, theatrical, or other
16 entertainment; **and**
17 (2) ~~if located in a county containing a consolidated city:~~ **satisfies**

ES 179—LS 6417/DI 120



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either of the following:

(A) The premises:

(i) includes an area where at least two thousand (2,000) individuals may be seated at one (1) time in permanent seating; and

~~**(B) (ii)**~~ **(ii)** is located in a facility that is ~~(i)~~ on the National Register of Historic Places or ~~(ii)~~ **is located in a facility that is** within the boundaries of a historic district that is established by ordinance under IC 36-7-11-7.

(B) The premises is used by a nonprofit organization primarily for the professional performance of musical or theatrical entertainment that has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals. and

~~**(3)**~~ if located in a county other than a county containing a consolidated city, includes an area where at least twelve thousand (12,000) individuals may be seated at one (1) time in permanent seating.

SECTION 3. IC 7.1-5-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13. (a) Notwithstanding any other provision of this title, manufacturers, wholesalers, and retailer permittees may provide directly to consumers free or discounted rides through:**

- (1) taxicabs;**
- (2) transportation network companies (as defined in IC 8-2.1-17-18); or**
- (3) other ride services;**

for the purpose of furthering public safety.

(b) Free or discounted rides may be provided to consumers by vouchers, codes, or any other method to deliver the free or discounted ride. A free or discounted ride, or the provision of a voucher, code, or other method of delivery, may not be conditioned upon the purchase of an alcoholic beverage.



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "means" insert "**one (1) or more of**".

Page 1, delete lines 8 through 10, begin a new line block indented and insert:

"(3) Meals.

(4) Ground transportation provided in connection with an activity described in subdivisions (1) through (3).

SECTION 2. IC 7.1-1-3-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.5. The term "entertainment complex" means a premises: ~~that:~~

(1) ~~that~~ is a site for the performance of musical, theatrical, or other entertainment;

(2) if located in a county containing a consolidated city:

(A) ~~that:~~

(i) includes an area where at least two thousand (2,000) individuals may be seated at one (1) time in permanent seating; and

~~(B) (ii)~~ is located in a facility that is ~~(i)~~ on the National Register of Historic Places or ~~(ii)~~ is located in a facility that is within the boundaries of a historic district that is established by ordinance under IC 36-7-11-7; or

(B) that is used by a nonprofit organization primarily for the professional performance of musical or theatrical entertainment that:

(i) has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals; and

(ii) is located entirely within a one (1) mile radius of the center of the consolidated city; and



(3) if located in a county other than a county containing a consolidated city, **that** includes an area where at least twelve thousand (12,000) individuals may be seated at one (1) time in permanent seating."

and when so amended that said bill do pass.

(Reference is to SB 179 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 179, which is eligible for third reading, be returned to second reading for purposes of amendment.

ALTING

SENATE MOTION

Madam President: I move that Senate Bill 179 be amended to read as follows:

Page 1, line 9, after "(4)" insert "**Beverages.**

(5)".

Page 1, line 10, delete "(3)." and insert "**(4)**".

(Reference is to SB 179 as printed February 1, 2019.)

ALTING



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 179 as reprinted February 8, 2019.)

SMALTZ

Committee Vote: Yeas 11, Nays 0

 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 179 be amended to read as follows:

Page 1, delete lines 12 through 17, begin a new paragraph and insert:

"SECTION 2. IC 7.1-1-3-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.5. The term "entertainment complex" means a premises that:

(1) is a site for the performance of musical, theatrical, or other entertainment; **and**

(2) ~~if located in a county containing a consolidated city:~~ **satisfies either of the following:**

(A) **The premises:**

(i) includes an area where at least two thousand (2,000) individuals may be seated at one (1) time in permanent seating; and

~~(B) (ii)~~ **(ii)** is located in a facility that is ~~(i)~~ on the National Register of Historic Places or ~~(ii)~~ **is located in a facility that is** within the boundaries of a historic district that is established by ordinance under IC 36-7-11-7.

(B) The premises is used by a nonprofit organization primarily for the professional performance of musical or theatrical entertainment that has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals. and

~~(3)~~ **if located in a county other than a county containing a consolidated city, includes an area where at least twelve thousand**



(12,000) individuals may be seated at one (1) time in permanent seating."

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to ESB 179 as printed April 5, 2019.)

CLERE

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 179 be amended to read as follows:

Page 2, after line 19, begin a new paragraph and insert:

"SECTION 2. IC 7.1-5-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13. (a) Notwithstanding any other provision of this title, manufacturers, wholesalers, and retailer permittees may provide directly to consumers free or discounted rides through:**

(1) taxicabs;

(2) transportation network companies (as defined in IC 8-2.1-17-18); or

(3) other ride services;

for the purpose of furthering public safety.

(b) Free or discounted rides may be provided to consumers by vouchers, codes, or any other method to deliver the free or discounted ride. A free or discounted ride, or the provision of a voucher, code, or other method of delivery, may not be conditioned upon the purchase of an alcoholic beverage."

(Reference is to ESB 179 as printed April 5, 2019.)

AUSTIN

