

SENATE BILL No. 186

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-1.1.

Synopsis: Escrow periods for alcoholic beverage permits. Provides that a permit may be escrowed with the alcohol and tobacco commission (commission) for an initial period of 48 months, to which may be added two 12 month extensions. (Current law provides for an initial 24 month period followed by three 12 month extensions.) Specifies that an escrowed permit reverts to the commission if the commission has a reasonable basis to believe that the escrow of the permit does not comply with representations made by the permit holder.

Effective: July 1, 2020.

Alting

January 6, 2020, read first time and referred to Committee on Public Policy.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 186

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 7.1-3-1.1-2, AS ADDED BY P.L.285-2019,
- 2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 2. (a) If a permit holder is unable to immediately
- 4 operate the business for which the permit was issued, the permit holder
- 5 shall deposit the permit with the commission, subject to the
- 6 commission's approval. The commission may approve the deposit of
- 7 the permit for the following terms:
- 8 (1) An initial term of deposit that expires ~~twenty-four (24)~~
- 9 **forty-eight (48)** months after the date of the commission's
- 10 approval.
- 11 (2) An extension of the term of deposit that expires twelve (12)
- 12 months after the date the initial term of deposit under subdivision
- 13 (1) expires.
- 14 (3) An extension of the term of deposit that expires twelve (12)
- 15 months after the date the initial term of deposit under subdivision
- 16 (2) expires.
- 17 (~~4~~) ~~An extension of the term of deposit that expires twelve (12)~~



1 months after the date the initial term of deposit under subdivision
 2 ~~(3)~~ expires.

3 (b) If the permit has not expired or reverted to the commission, a
 4 permit holder may withdraw a permit that is deposited with the
 5 commission and make the permit active at any time before the term of
 6 deposit expires, subject to any requirements of the commission.

7 SECTION 2. IC 7.1-3-1.1-3, AS ADDED BY P.L.285-2019,
 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]: Sec. 3. (a) A permit reverts to the commission if:

10 (1) **the permit is not active and** a term of deposit under section
 11 2(a) of this chapter expires without the commission approving an
 12 extension of the term; ~~and or~~

13 (2) ~~the permit is not active.~~ **after providing the permit holder**
 14 **with notice and an opportunity to appear at a public hearing**
 15 **and show cause otherwise, the commission has a reasonable**
 16 **basis to believe the deposit of the permit does not comply with**
 17 **the permit holder's representations made at the public**
 18 **meeting of the commission under section 4 of this chapter.**

19 (b) In addition to the notice provided under IC 7.1-3-1-3, at least
 20 ninety (90) days before the date that a term of deposit expires, the
 21 commission shall provide written notice to the permit holder of the date
 22 that:

23 (1) the term of deposit expires; and

24 (2) the permit will revert to the commission if:

25 (A) the permit is not active; or

26 (B) an extension of the term of deposit has not been approved
 27 by the commission.

