

SENATE BILL No. 395

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3.

Synopsis: Drug store curbside delivery of alcohol. Provides that the licensed premises of a beer dealer, liquor dealer, or wine dealer that is a drug store may include the drug store parking lot or an area adjacent to the drug store, which may be used for the purpose of conveying alcoholic beverages and nonalcoholic items to a customer.

Effective: July 1, 2021.

Boots

January 14, 2021, read first time and referred to Committee on Public Policy.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 395

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 7.1-3-5-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The holder of a
3 beer dealer's permit shall be entitled to purchase beer for sale under the
4 permit only from a permittee entitled to sell to a beer dealer under this
5 title.
6 (b) A beer dealer shall be entitled to possess beer and sell it at retail
7 to a customer in permissible containers only.
8 (c) A beer dealer may not sell beer by the drink nor for consumption
9 on the licensed premises nor shall a beer dealer allow it to be consumed
10 on the licensed premises.
11 (d) Except as provided in subsection (e), a beer dealer shall be
12 entitled to sell beer to a customer and deliver it in permissible
13 containers to the customer on the licensed premises, or to the
14 customer's residence or office. A beer dealer shall not be entitled to sell
15 and deliver beer on the street or at the curb outside the licensed
16 premises, nor shall a beer dealer be entitled to sell beer at a place other
17 than the licensed premises. **Notwithstanding IC 7.1-1-3-20, a licensed**



1 **premises for a beer dealer that is a drug store may include the drug**
 2 **store parking lot or an area adjacent to the drug store. The**
 3 **parking lot or adjacent area may be used for the purpose of**
 4 **conveying alcoholic beverages and other nonalcoholic items to a**
 5 **customer and may not be used for point of sale purposes.** A beer
 6 dealer shall not be entitled to sell beer and deliver beer for carry-out,
 7 or for delivery to a customer's residence or office, in a quantity that
 8 exceeds eight hundred sixty-four (864) ounces in a single transaction.
 9 However, notwithstanding IC 7.1-5-10-11, a beer dealer who is
 10 licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver
 11 warm or cold beer for carry-out, or for delivery to a customer's
 12 residence, office, or a designated location in barrels or other
 13 commercial containers that do not exceed two thousand sixteen (2,016)
 14 ounces per container. This delivery may only be performed by the
 15 permit holder or an employee who holds an employee permit. The
 16 permit holder shall maintain a written record of each delivery for at
 17 least one (1) year that shows the customer's name, location of delivery,
 18 and quantity sold.

19 (e) Unless a beer dealer is a grocery store or drug store, a beer
 20 dealer may not sell or deliver alcoholic beverages or any other item
 21 through a window in the licensed premises to a patron who is outside
 22 the licensed premises. A beer dealer that is a grocery store or drug store
 23 may sell any item except alcoholic beverages through a window in the
 24 licensed premises to a patron who is outside the licensed premises.

25 SECTION 2. IC 7.1-3-10-7 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The holder of a
 27 liquor dealer's permit shall be entitled to purchase liquor only from a
 28 permittee entitled to sell to a liquor dealer under this title.

29 (b) A liquor dealer shall be entitled to possess liquor and sell it at
 30 retail in its original package to a customer only for consumption off the
 31 licensed premises. **Notwithstanding IC 7.1-1-3-20, a licensed**
 32 **premises for a liquor dealer that is a drug store under section 2 or**
 33 **3 of this chapter may include the drug store parking lot or an area**
 34 **adjacent to the drug store. The parking lot or adjacent area may**
 35 **be used for the purpose of conveying alcoholic beverages and other**
 36 **nonalcoholic items to a customer and may not be used for point of**
 37 **sale purposes.**

38 (c) A liquor dealer may deliver liquor only in permissible containers
 39 to a customer's residence or office in a quantity that does not exceed
 40 twelve (12) quarts at any one (1) time. However, a liquor dealer who
 41 is licensed under IC 7.1-3-10-4 may deliver liquor in permissible
 42 containers to a customer's residence, office, or designated location.



1 This delivery may only be performed by the permit holder or an
 2 employee who holds an employee permit. The permit holder shall
 3 maintain a written record of each delivery for at least one (1) year that
 4 shows the customer's name, location of delivery, and quantity sold.

5 (d) A liquor dealer may not sell or deliver alcoholic beverages or
 6 any other item through a window in the licensed premises to a patron
 7 who is outside the licensed premises. However, a liquor dealer that is
 8 a drug store may sell prescription drugs and health and beauty aids
 9 through a window in the licensed premises to a patron who is outside
 10 the licensed premises.

11 SECTION 3. IC 7.1-3-15-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The holder of a
 13 wine dealer's permit shall be entitled to purchase wine only from a
 14 permittee who is authorized to sell to a wine dealer under this title. A
 15 wine dealer shall be entitled to sell wine for consumption off the
 16 licensed premises only and not by the drink. **Notwithstanding**
 17 **IC 7.1-1-3-20, a licensed premises for a wine dealer that is a drug**
 18 **store may include the drug store parking lot or an area adjacent to**
 19 **the drug store. The parking lot or adjacent area may be used for**
 20 **the purpose of conveying alcoholic beverages and other**
 21 **nonalcoholic items to a customer and may not be used for point of**
 22 **sale purposes.**

23 (b) A wine dealer shall be entitled to sell wine in permissible
 24 containers in a quantity of not more than three (3) standard cases, as
 25 determined under the rules of the commission, in a single transaction.
 26 However, a wine dealer who is licensed under IC 7.1-3-10-4 may
 27 possess wine and sell it at retail in its original package to a customer
 28 only for consumption off the licensed premises.

29 (c) Unless a wine dealer is a grocery store or drug store, a wine
 30 dealer may not sell or deliver alcoholic beverages or any other item
 31 through a window in the licensed premises to a patron who is outside
 32 the licensed premises. A wine dealer that is a grocery store or drug
 33 store may sell any item except alcoholic beverages through a window
 34 in the licensed premises to a person who is outside the licensed
 35 premises.

36 (d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may
 37 deliver wine only in permissible containers to a customer's residence,
 38 office, or designated location. This delivery may only be performed by
 39 the permit holder or an employee who holds an employee permit. The
 40 permit holder shall maintain a written record of each delivery for at
 41 least one (1) year that shows the customer's name, location of delivery,
 42 and quantity sold.

