

Document: Proposed Rule, **Register Page Number:** 25 IR 511
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TITLE 905 ALCOHOL AND TOBACCO COMMISSION

NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.

Proposed Rule LSA Document #01-255

DIGEST

Adds 905 IAC 1-45 to establish rules that an alcohol and tobacco commission permittee cannot sell alcoholic beverages below the permittee's actual cost of that product. Effective 30 days after filing with the secretary of state.

905 IAC 1-45

SECTION 1. 905 IAC 1-45 IS ADDED TO READ AS FOLLOWS:

Rule 45. Selling of Alcoholic Beverages Below Cost

905 IAC 1-45-1 Selling of alcoholic beverages below cost

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3

Sec. 1. (a) A permittee may not sell alcoholic beverages for off-premises consumption at a price lower than the permittee's cost of the beverages unless provided for elsewhere in this rule.

(b) The cost of the beverages shall be determined by the most recent invoice.

(c) A permittee may sell alcoholic beverages for off-premises consumption at a price lower than the permittee's cost of the beverages, subject to prior approval of the alcohol and tobacco commission and subject to limitations, if the:

(1) wholesaler provides documentation that the product is no longer manufactured;

(2) wholesaler provides documentation that the product will no longer be sold in Indiana; or

(3) retailer provides documentation that the product has not sold at a price equal to the cost of the beverages.

(Alcohol and Tobacco Commission; 905 IAC 1-45-1)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 27, 2001 at 9:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E112, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on a proposed new rule to establish rules that an alcohol and tobacco commission permittee cannot sell alcohol beverages below the permittee's actual cost of that product. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mary DePrez
Chairman
Alcohol and Tobacco Commission