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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 #01-259

DIGEST

Adds 905 IAC 1-49 to establish rules for grocery stores holding Indiana alcohol and tobacco commission permits. Would require beer and wine to be confined to a dedicated aisle and any changes in floor plans would be required to be approved by the alcohol and tobacco commission. Conspicuous signage regarding alcohol and tobacco commission law on underage sales would be required. Permittees would be required to come into complete compliance of this rule within 365 days of the next application for an alcoholic beverage permit. Effective 30 days after filing with secretary of state.

905 IAC 1-49

SECTION 1. 905 IAC 1-49 IS ADDED TO READ AS FOLLOWS:

Rule 49. Floor Plans for Holders of Beer and Wine Dealer Permits for Grocery Stores

905 IAC 1-49-1 Floor plans for holders of beer dealer permits

Authority: IC 7.1-2-3-7

Affected: IC 7.1

Sec. 1. (a) All initial floor plans must be approved by the alcohol and tobacco commission (commission) before the permit is released.

(b) Any changes in floor plans must have prior approval by the commission.

(c) All floor plans must abide by the following qualifications:

- (1) They must identify area where alcoholic beverages will be displayed for sale.**
- (2) They must include signage addressing age and hour of sale limitations.**
- (3) They must describe the product management agreement between the retail permit holder and the wholesalers as required by 905 IAC 1-5.2-15.**
- (4) If the permit premises qualifies as a combo-store, all beer and wine must be displayed for sale within the perimeter of the store that qualifies as a grocery store.**

(d) In reviewing floor plans, the commission may consider the following:

- (1) The amount of space dedicated to the sale of alcoholic beverages, with a preference for floor plans that have few, limited areas dedicated to the sale of alcoholic beverages.**
- (2) The proximity of alcoholic beverages to the entrance and exits of the facility.**
- (3) The proximity of alcoholic beverages to items that could be incompatible with the sale of alcoholic beverages, including breakfast food and products marketed primarily to juveniles.**
- (4) The location of alcoholic beverages and their relationship to security measures taken by the permit premises, including one-way mirrors, cameras, security guards, and supervision.**

(e) The floor plan does not have to include the display of alcoholic beverages cross marketed with other items provided:

(1) the alcoholic beverages so displayed are not for sale; and

(2) they are not displayed with products incompatible with the sale of alcohol, such as breakfast food and products marketed primarily to juveniles.

(Alcohol and Tobacco Commission; 905 IAC 1-49-1)

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 for grocery stores holding Indiana alcohol and tobacco commission permits, and would require beer and wine to be confined to a dedicated aisle and any changes in floor plans would be required to be approved by the alcohol and tobacco commission. Conspicuous signage regarding alcohol and tobacco commission law on underage sales would be required. Permittees would be required to come into complete compliance of this rule within 365 days of the next application for an alcoholic beverage permit. 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