

**Document:** Readopted Rules, **Register Page Number:** 25 IR 1347

**Source:** January 1, 2002, Indiana Register, Volume 25, Number 4

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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.*

LSA Document #01-230(F)(2)

### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

<b>905 IAC 1-5.2-3</b>	<b>905 IAC 1-16.1-1</b>
<b>905 IAC 1-5.2-9</b>	<b>905 IAC 1-23-1</b>
<b>905 IAC 1-8-1</b>	<b>905 IAC 1-27-2</b>
<b>905 IAC 1-8-2</b>	<b>905 IAC 1-29-1</b>
<b>905 IAC 1-8-3</b>	<b>905 IAC 1-29-2</b>
<b>905 IAC 1-8-4</b>	<b>905 IAC 1-29-3</b>
<b>905 IAC 1-8-5</b>	<b>905 IAC 1-29-4</b>
<b>905 IAC 1-8-6</b>	<b>905 IAC 1-29-6</b>
<b>905 IAC 1-11.1-1</b>	<b>905 IAC 1-29-7</b>

SECTION 1. UNDER IC 4-22-2.5-3, 905 IAC 1-5.2-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

#### **905 IAC 1-5.2-3 Content restrictions**

**Authority:** IC 7.1-2-3-7; IC 7.1-2-3-8; IC 7.1-2-3-22

**Affected:** IC 7.1-5

Sec. 3. (a) ~~No~~ **Any** product display, advertising specialty, advertisement, illuminated or nonilluminated advertising sign, poster, or label, ~~regardless of the source, shall contain:~~

- ~~(1) obscene or suggestive words or illustrations;~~
- ~~(2) illustrations of minors;~~
- ~~(3) reference to the kick, punch, or wallop of the liquor, beer, or wine;~~
- ~~(4) disparaging or damaging words referring to the products of a competitor;~~
- ~~(5) promotions of gambling or games of chance; or~~
- ~~(6) offers of financial awards as an inducement to purchase alcoholic beverages.~~

**which complies with the United States Bureau of Tobacco and Firearms (BATF) rules contained in 27 CFR, Chapter 1, shall be considered as approved by the alcohol and tobacco commission. Any complaints regarding displays, advertising specialty, advertisement, illuminated or nonilluminated advertising sign, poster, or label alleging obscenity or obscene content shall be referred to the BATF for their investigation.**

(b) Any product display, advertising specialty, advertisement, illuminated or nonilluminated advertising sign, or poster shall conform to the brand name or logo on the label of the actual container of the alcoholic beverages so advertised.

(c) The label on an alcoholic beverage container is not considered to be advertising, and the label shall conform to the requirements of federal law. (*Alcohol and Tobacco Commission; 905 IAC 1-5.2-3; filed Jul 12, 1994, 3:30 p.m.: 17 IR 2881; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1347*)

SECTION 2. UNDER IC 4-22-2.5-3, 905 IAC 1-5.2-9 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-5.2-9 Samples**

Authority: IC 7.1-2-3-7; IC 7.1-2-3-8; IC 7.1-2-3-22

Affected: IC 7.1-3-9-11; IC 7.1-3-10-13; IC 7.1-3-14-7; IC 7.1-5

Sec. 9. (a) A primary source of supply or wholesaler may furnish, or give a sample of, alcoholic beverages to a retailer or dealer who has not previously purchased the brand from that primary source of supply or wholesaler. For each retail establishment, the primary source of supply or wholesaler may not give more than:

- (1) three (3) gallons of any brand of beer;
- (2) three hundred seventy-five (375) milliliters of any brand of liquor; and
- (3) three (3) liters of any brand of wine.

(b) If a particular product is not available in a size within the quantity limitations of this section, a primary source of supply or wholesaler may furnish to a retailer or dealer another single container size. A liquor dealer who is the proprietor of a package liquor store, a liquor retailer, or a wine retailer may offer a product sampling authorized under IC 7.1-3-9-11, IC 7.1-3-10-13, or IC 7.1-3-14-7, in accordance with the following:

(1) Product that is to be used for a product sampling may be provided by a primary source or wholesaler to an authorized liquor dealer, liquor retailer, or wine retailer, but must be offered to all authorized liquor dealers, liquor retailers, and wine retailers in a nondiscriminatory manner. Samples provided to the liquor dealer, liquor retailer, or wine retailer must be properly invoiced by the authorized wholesaler and the invoice shall clearly show the product being used for a product sampling.

(2) In addition to product that is provided in accordance with subdivision (1), product to be used for a sampling may be purchased by the authorized liquor dealer, liquor retailer, or wine retailer from an authorized wholesaler.

(3) A sampling described in this subsection may only be conducted by licensed employees of the liquor dealer, liquor retailer, wine retailer, wholesaler, primary source of supply, or a company engaged by a primary source of supply, or wholesaler whose primary business is to conduct sampling or tasting promotions on the permit premises and during the normal business hours of the liquor dealer, liquor retailer, or wine retailer.

(4) The following limitations apply to the number of samples a customer may sample and the size of samples provided to a customer by a liquor dealer, liquor retailer, or wine retailer:

(A) A liquor retailer or a liquor dealer who is the proprietor of a package liquor store may offer a combined total not to exceed two (2) samples of liquor, liqueurs, or cordials in a day. A liqueur or cordial sample may not exceed one-half (½) ounce and a sample of liquor may not exceed four-tenths (0.4) ounce.

(B) A liquor retailer, a liquor dealer, or a wine retailer may offer wine samples not to exceed one (1) ounce.

(C) Any samples provided by a liquor dealer, liquor retailer, or wine retailer to a consumer must be provided in a nondiscriminatory manner.

(5) A liquor dealer, liquor retailer, or wine retailer may not charge a fee to a consumer for a sample.

(6) If a liquor dealer, liquor retailer, or wine retailer modifies their existing floor plan to provide for the sampling, then amended floor plans must be submitted to and approved by the Indiana state excise police.

(7) For each retail establishment, the primary source of supply or wholesaler may not give more than:

(A) three (3) gallons of any brand of beer;

(B) three hundred seventy-five (375) milliliters of any brand of liquor;

(C) three (3) liters of any brand of wine; and

(D) if a particular product is not available in a size within the quantity limitations of this section, a primary source of supply or wholesaler may furnish to a retailer or dealer another single container size.

*(Alcohol and Tobacco Commission; 905 IAC 1-5.2-9; filed Jul 12, 1994, 3:30 p.m.: 17 IR 2883; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1348)*

SECTION 3. UNDER IC 4-22-2.5-3, 905 IAC 1-8-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-8-1 Permit required; qualifications; application for permit; fee; violations**

Authority: IC 7.1-2-3-7; IC 7.1-3-18-7  
Affected: IC 7.1-3-12-5; IC 7.1-3-18-8

Sec. 1. (a) No person shall act as the agent or salesman for the sale of or taking or soliciting of orders for, the sale of alcoholic beverages, irrespective of whether such sale is to be made by a seller within the State of Indiana, or by a seller without the State of Indiana, for delivery to a buyer within the State of Indiana or whether such sale may be otherwise legal or illegal, unless such person shall have has a salesman's permit.

(b) No salesman's or agent's permit shall be issued to any person unless he shall be, prior to application thereof, is of good moral character. and a bona fide resident of the State of Indiana, or if not a resident of Indiana, he shall have posted with the Commission a bond in the sum of \$500.00 conditioned upon his conformance with the Alcoholic Beverage Act, Rules and Regulations. To receive a salesman's permit, the an applicant: must

(1) shall be either a bona fide employee or proprietor of an alcoholic beverage seller on a continuous basis: of an alcohol and tobacco commission (commission) wholesale, primary source, distiller, rectifier, vintner, or brewery permit holder; or

(2) if his employer is an Internet company and the Internet company provides the commission with the names of each permittee for whom the Internet company is a salesman in conformity with the rules adopted by the commission.

Any person may make application to the Indiana Alcoholic Beverage commission for a salesman's permit, which application shall be in such form and shall include such terms as the commission may, from time to time, prescribe, and shall include a provision that the holder will comply with the rules regulations and orders of the commission. The application and the permit issued pursuant thereto shall set forth the names and addresses of the person whom said salesman or agent represents and also the name and address of the applicant. Such salesman or agent shall not represent any person whose name does not appear on said permit as his employer, if employed by another, nor act as such salesman or agent for any other person not named therein. If such salesman is acting for himself as principal, the application and the permit shall so state. Additional permits may be granted the same salesman for additional principals, and a salesman may hold more than one (1) salesman's permit at any one (1) time. However, no salesman or agent of a producer permittee shall solicit or negotiate sales in any manner whatsoever at the retail level, except sales as permitted by IC 7.1-3-12-5 (Small Winery) and by Regulation 17 (Direct Sales by Indiana Brewers): 905 IAC 1-24-1.

(c) If the application is approved by the commission, it shall issue a permit for one (1) year upon payment of an annual permit fee of five dollars (\$5) for each permit.

(d) Any permit authorized by this section shall be revocable by the commission on account of any violation of any law concerning alcoholic liquids beverages or any rule or regulation of the commission made pursuant to law.

(e) "Salesman" or "agent" shall mean and include means either of the following:

(1) Any person who procures or seeks to procure an order, bargain, contract, or agreement for the sale, or for the delivery, or for the transportation of alcoholic beverages, or who is engaged in promoting the sale of alcoholic beverages, or in promoting the business of any person engaged in the manufacturing, selling, delivery or transportation of alcoholic beverages for sale or delivery, whether the seller resides within the State of Indiana and sells to buyers either within or without the State of Indiana. or whether the seller resides without the State of Indiana and sells for delivery to the buyers within the State of Indiana.

(2) If the permittee's employer is an Internet company and the Internet company provides the commission with the names of each permittee for whom the Internet company is a salesman in conformity with the rules adopted by the commission.

*(Alcohol and Tobacco Commission; Reg 18, Sec 1; filed Mar 5, 1946, 10:30 a.m.: Rules and Regs. 1947, p. 636; filed Nov 10, 1978, 4:15 p.m.: 1 IR 1067; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1349)*

SECTION 4. UNDER IC 4-22-2.5-3, 905 IAC 1-8-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

#### 905 IAC 1-8-2 Salesman's permits; form and contents

Authority: IC 7.1-2-3-7; IC 7.1-3-18-7  
Affected: IC 7.1-3-18-8

Sec. 2. ~~Permit Cards~~ Salesman's permits shall be issued with the name of the applicant, his address, his permit number and the name of his employer. (*Alcohol and Tobacco Commission; Reg 18, Sec 2; filed Mar 5, 1946, 10:30 a.m.: Rules and Regs. 1947, p. 638; filed Nov 10, 1978, 4:15 p.m.: 1 IR 1068; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1349*)

SECTION 5. UNDER IC 4-22-2.5-3, 905 IAC 1-8-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-8-3 Salesman's permits available for inspection**

Authority: IC 7.1-2-3-7; IC 7.1-3-18-7

Affected: IC 7.1-3-18-8

Sec. 3. ~~Available for inspection~~ Salesman of alcoholic beverages must be prepared to exhibit their ~~permit cards~~ **permits** at any time while engaged in soliciting, taking orders for, or promoting the sale of, alcoholic beverages upon demand of a duly authorized representative of the commission, or upon the request of any permittee. (*Alcohol and Tobacco Commission; Reg 18, Sec 3; filed Mar 5, 1946, 10:30 a.m.: Rules and Regs. 1947, p. 638; filed Nov 10, 1978, 4:15 p.m.: 1 IR 1068; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1349*)

SECTION 6. UNDER IC 4-22-2.5-3, 905 IAC 1-8-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-8-4 Permittee's duty**

Authority: IC 7.1-2-3-7; IC 7.1-3-18-7

Affected: IC 7.1-3-18-8

Sec. 4. ~~Permittee's Duty~~ (a) No permittee shall purchase from or give an order to, or permit the solicitation of a sale of alcoholic beverages by any person who is not the holder of a salesman's permit.

(b) This section does not apply to an employee of a permittee soliciting while on the permit premises. (*Alcohol and Tobacco Commission; Reg 18, Sec 4; filed Mar 5, 1946, 10:30 a.m.: Rules and Regs. 1947, p. 638; filed Nov 10, 1978, 4:15 p.m.: 1 IR 1068; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1350*)

SECTION 7. UNDER IC 4-22-2.5-3, 905 IAC 1-8-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-8-5 Applications for permits: contents; restriction**

Authority: IC 7.1-2-3-7; IC 7.1-3-18-7

Affected: IC 7.1-3-18-7

Sec. 5. ~~Applications~~ All applications for such permits must bear ~~not only~~ the signature and address of the applicant ~~but and~~ the signature, address, and business of the employer. Said application shall also contain a statement that the applicant will comply with the rules ~~and regulations~~ of the commission. Separate permits shall be carried for each employer represented by a salesman. In no case shall a salesman sell, or take orders for, or solicit the sale of, or promote the sale of alcoholic beverages in behalf of any person whose name is not specified in the salesman's permit as his employer. (*Alcohol and Tobacco Commission; Reg 18, Sec 5; filed Mar 5, 1946, 10:30 a.m.: Rules and Regs. 1947, p. 639; filed Nov 10, 1978, 4:15 p.m.: 1 IR 1068; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1350*)

SECTION 8. UNDER IC 4-22-2.5-3, 905 IAC 1-8-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-8-6 Change of employment; surrender of permit; notification**

Authority: IC 7.1-2-3-7; IC 7.1-3-18-7

Affected: IC 7.1-3-18-8

Sec. 6. ~~Change of Employment~~ If a licensed salesman shall ~~leave the employ of the employer specified on his permit,~~ **changes employment to another permittee**, he shall notify the commission ~~and surrender his salesman's permit~~ within fifteen (15) days. Failure to ~~surrender~~ **notify the permit commission** within the specified time shall make the salesman

ineligible for the issuance of any kind of alcoholic beverage permit for a definite period to be determined by the commission.

It shall also be the duty of the employer whose name is specified on the salesman's permit to notify the commission within fifteen (15) days of the termination of employment. (*Alcohol and Tobacco Commission; Reg 18, Sec 6; filed Mar 5, 1946, 10:30 a.m.: Rules and Regs. 1947, p. 639; filed Nov 10, 1978, 4:15 p.m.: 1 IR 1068; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1350*)

SECTION 9. UNDER IC 4-22-2.5-3, 905 IAC 1-11.1-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-11.1-1 Temporary beer and wine permits**

Authority: IC 7.1-2-3-7; IC 7.1-3-6-1  
Affected: IC 7.1-2-3-7; IC 7.1-3-6-1

Sec. 1. The following schedule of fees for a temporary beer and wine permit shall be in effect hereafter, to wit: **is twenty-five dollars (\$25) per day. No rain checks shall be given on any of the above events.**

Special Events:

Churches, picnics, social and similar events	\$25.00 per day
Convention, carnivals, street fairs, races and athletic events	\$50.00 per day
All events taking place on national holidays (No rain checks on any of the above events)	\$50.00 per day

The commission may also set the fee for any special event not set herein. (*Alcohol and Tobacco Commission; 905 IAC 1-11.1-1; filed May 16, 1985, 3:51 p.m.: 8 IR 1308; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1350*)

SECTION 10. UNDER IC 4-22-2.5-3, 905 IAC 1-16.1-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-16.1-1 Dancing permitted**

Authority: IC 7.1-2-3-7  
Affected: IC 7.1-3-9-9

Sec. 1. It is permissible for permittees to allow dancing upon their permit premise without the necessity of first obtaining a permit or other authorization from the **alcohol and tobacco** commission (**commission**). All such dancing must take place in an area designated for dancing by the permit holder. The designated area need not be indicated to **floor plans must be approved by** the commission. prior to its use and is subject to change at the permittee's discretion. No particular design, construction or separation of the dance area is required; it being the intent of this regulation to prevent unreasonable interference by dancers with diners and others upon the permit premises. (*Alcohol and Tobacco Commission; Reg 31, Sec 1; filed Mar 16, 1979, 9:25 a.m.: 2 IR 704; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1350*)

SECTION 11. UNDER IC 4-22-2.5-3, 905 IAC 1-23-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

**905 IAC 1-23-1 Registration of brands, labels, and trademarks**

Authority: IC 7.1-2-3-7  
Affected: IC 7.1-2-3-17

Sec. 1. All producers (brewers, distillers, rectifiers, vintners and small wineries) and importers, before shipping or causing to be shipped alcoholic beverages in Indiana, shall **register with make available** to the **alcohol and tobacco** commission (**commission**) **upon request** all brands, labels, and trademarks used or proposed to be used by said producer or importer in selling or advertising for sale alcoholic beverage in the State of Indiana. **Labels will be approved by the commission if they have been approved by the federal Bureau of Alcohol, Tobacco, and**

## Firearms.

Along with such registration, the applicant shall submit the bond, if any, required by the Alcoholic Beverage Act and such other application forms as may be required by the Commission. If the applicant meets the requirements of the Alcoholic Beverage Act, the Commission may issue written authorization entitling the holder to distribute, sell, import, transport or otherwise deal in the appropriate alcoholic beverage as covered by its permit. (*Alcohol and Tobacco Commission; Reg 42; filed Oct 18, 1976, 9:20 a.m.: Rules and Regs. 1977, p. 106; filed Mar 16, 1979, 9:25 a.m.: 2 IR 582; filed Mar 16, 1979, 9:25 a.m.: 2 IR 702; errata, 2 IR 705; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1351*)

SECTION 12. UNDER IC 4-22-2.5-3, 905 IAC 1-27-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### **905 IAC 1-27-2 Public nuisance**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-2-6; IC 35-41-1-1

Sec. 2. If a ~~permittee or applicant for a permit allows~~ the licensed premises ~~to become~~ **becomes** a public nuisance, or ~~allows~~ the licensed premises ~~to be~~ **becomes** the scene of acts or conduct which are prohibited by the Indiana Penal Code (IC 35-41-1-1 et seq.), or by the criminal laws of the United States, the premises shall be ~~deemed to be a public nuisance and~~ subject to the sanctions specified in IC 7.1-2-6-1 through IC 7.1-2-6-14. (*Alcohol and Tobacco Commission; Reg 43, Sec 2; filed Mar 16, 1979, 9:25 a.m.: 2 IR 584; filed Mar 16, 1979, 9:25 a.m.: 2 IR 703; errata, 2 IR 705; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1351*)

SECTION 13. UNDER IC 4-22-2.5-3, 905 IAC 1-29-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### **905 IAC 1-29-1 Package alcoholic beverages; sale restrictions**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-1-19; IC 7.1-3-23-12

Sec. 1. No retailer permittee shall sell or otherwise dispose of alcoholic spirituous, vinous, and/or malt beverages to persons for consumption off the licensed premises (hereinafter referred to as "package alcoholic beverages"), except in accordance with the provisions of all applicable Indiana alcoholic beverage laws **and** rules **and** regulations of the ~~Indiana alcoholic beverage alcohol and tobacco~~ commission, including ~~905 IAC 1-29-2, 905 IAC 1-29-3, 905 IAC 1-29-4, 905 IAC 1-29-5, 905 IAC 1-29-6, 905 IAC 1-29-7 and 905 IAC 1-29-8.~~ **sections 2 through 8 of this rule.** (*Alcohol and Tobacco Commission; 905 IAC 1-29-1; filed Aug 9, 1983, 3:32 p.m.: 6 IR 1748; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1351*)

SECTION 14. UNDER IC 4-22-2.5-3, 905 IAC 1-29-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### **905 IAC 1-29-2 Package alcoholic beverages; sold in bar, storage, or dispensing area only**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-1-19; IC 7.1-3-23-12

Sec. 2. Package alcoholic beverages shall be sold by a retail permittee only in the same room as is located the bar or in the room where alcoholic beverages are stored, prepared, or dispensed for consumption on the licensed premises, and at no other location. This room shall not be partitioned so as to create a "section" ~~solely solely~~ or primarily for the sale of package alcoholic beverages. There may not be a separate cash register for package sales. There shall be no self-service. (*Alcohol and Tobacco Commission; 905 IAC 1-29-2; filed Aug 9, 1983, 3:32 p.m.: 6 IR 1748; errata, 6 IR 1751; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1351*)

SECTION 15. UNDER IC 4-22-2.5-3, 905 IAC 1-29-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### **905 IAC 1-29-3 Package alcoholic beverages; restrictions on floor space used for sale**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-1-19; IC 7.1-3-23-12

Sec. 3. The total floor space area for the sale and display of package alcoholic beverages shall not exceed one-fourth ( $\frac{1}{4}$ ) of the total floor space area of the licensed premises or three hundred (300) square feet, ~~which ever~~ **whichever** is the lesser area. (*Alcohol and Tobacco Commission; 905 IAC 1-29-3; filed Aug 9, 1983, 3:32 p.m.: 6 IR 1748; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1351*)

SECTION 16. UNDER IC 4-22-2.5-3, 905 IAC 1-29-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### **905 IAC 1-29-4 Package alcoholic beverages; floor plan of sale area to be approved by commission**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-1-19; IC 7.1-3-23-12

Sec. 4. The floor plans of the licensed premises of each retail permittee must be approved by the **alcohol and tobacco** commission prior to the granting of the retailer's permit. Such floor plans must clearly designate the dimensions and location of any area to be used for the sale of package alcoholic beverages. (*Alcohol and Tobacco Commission; 905 IAC 1-29-4; filed Aug 9, 1983, 3:32 p.m.: 6 IR 1748; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1352*)

SECTION 17. UNDER IC 4-22-2.5-3, 905 IAC 1-29-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### **905 IAC 1-29-6 Violation of floor area requirement for retailers**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-1-19; IC 7.1-3-23-12

Sec. 6. ~~905 IAC 1-29-2 and 905 IAC 1-29-3~~ **Sections 2 through 3 of this rule** shall not apply to a permittee in any case where the floor plans of licensed premises, with respect to an area now used for the sale of package liquor, have been approved by the **alcohol and tobacco** commission (**commission**) as of the effective date of ~~905 IAC 1-29~~ **this rule**. In the event that on the date of the adoption of ~~905 IAC 1-29~~ **this rule**, the licensed premises of a retailer's permit violates the provisions hereof, and the floor plans of such premises have not been approved by the commission, such permittee shall have **one hundred twenty** (120) days after the effective date of ~~905 IAC 1-29~~ **this rule** in which to comply fully herewith and to submit to the commission floor plans showing such compliance. (*Alcohol and Tobacco Commission; 905 IAC 1-29-6; filed Aug 9, 1983, 3:32 p.m.: 6 IR 1748; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1352*)

SECTION 18. UNDER IC 4-22-2.5-3, 905 IAC 1-29-7 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

### **905 IAC 1-29-7 Package alcoholic beverages; change of approved floor plan a violation**

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-1-19; IC 7.1-3-23-12

Sec. 7. Any change in the floor plans of the licensed premises of any retail permittee made after the date of the adoption of ~~905 IAC 1-29~~ **this rule** shall require the prior approval of the **alcohol and tobacco** commission, and failure to obtain such prior approval shall constitute a violation of ~~905 IAC 1-29~~ **this rule**. (*Alcohol and Tobacco Commission; 905 IAC 1-29-7; filed Aug 9, 1983, 3:32 p.m.: 6 IR 1748; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1352*)

*LSA Document #01-230(F)(2)*

*Intent to Redopt Rules Published: July 1, 2001; 24 IR 3208*

*Proposed Redopted Rules Published: August 1, 2001; 24 IR 3816*

*Hearing Held: August 28, 2001*

*Approved by Attorney General: November 26, 2001*

*Approved by Governor: November 30, 2001*

*Filed with Secretary of State: December 2, 2001, 12:23 p.m.*