

PROPOSED AMENDMENT

HB 1052 # 12

DIGEST

Self-service by wine retailer customer. Provides that a wine retailer whose wine sales represent at least 60% of the annual gross income from the premises may allow customers to obtain sealed bottles of wine by self-service for consumption off the licensed premises.

- 1 Page 13, between lines 39 and 40, begin a new paragraph and insert:
2 "SECTION 27. IC 7.1-3-14-4, AS AMENDED BY P.L.167-2024,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: Sec. 4. (a) The holder of a wine retailer's permit is
5 entitled to purchase wine only from a permittee entitled to sell to the
6 wine retailer under this title. A wine retailer is entitled to possess wine
7 and sell wine at retail to a customer for consumption on the licensed
8 premises. A wine retailer is also entitled to sell wine to a customer and
9 deliver wine in permissible containers to the customer on the licensed
10 premises or to the customer's house. **Except as provided in section 8**
11 **of this chapter**, this delivery may only be performed by the permit
12 holder or an employee who holds an employee permit. The permit
13 holder shall maintain a written record of each delivery for at least one
14 (1) year that shows the customer's name, location of delivery, and
15 quantity sold. Subject to subsection (g), a wine retailer also may
16 prepare and package wine in qualified containers for sale and delivery
17 to a customer on the licensed premises for consumption off the licensed
18 premises.
19 (b) A wine retailer is not entitled to sell wine at wholesale. A wine
20 retailer is not entitled to sell and deliver wine on the street or at the
21 curb outside the licensed premises, nor is the wine retailer entitled to
22 sell wine at a place other than the licensed premises. However, a wine
23 retailer may offer food service (excluding alcoholic beverages) to a
24 patron who is outside the licensed premises by transacting business
25 through a window in the licensed premises.
26 (c) A wine retailer is entitled to sell and deliver wine for carry out,

1 or for at-home delivery. A wine retailer that delivers wine to a
2 customer's residence must require the customer to provide proof of age
3 in accordance with IC 7.1-5-10-23.

4 (d) Notwithstanding IC 7.1-1-3-20, the licensed premises of the
5 wine retailer may include the wine retailer parking lot or an area
6 adjacent to the wine retailer that may only be used for the purpose of
7 conveying alcoholic beverages and other nonalcoholic items to a
8 customer, and may not be used for point of sale purposes or any other
9 purpose. Any alcoholic beverages conveyed to the customer must
10 satisfy the following:

11 (1) Alcoholic beverages that are in the sealed original containers
12 must be placed in a bag that is stamped, printed, or labeled on the
13 outside: "CONTAINS ALCOHOLIC BEVERAGES".

14 (2) Alcoholic beverages that are prepared by the wine retailer
15 must be packaged by the wine retailer in qualified containers that
16 are:

17 (A) stamped, printed, or labeled on the outside: "CONTAINS
18 ALCOHOLIC BEVERAGES"; or

19 (B) placed in a bag stamped, printed, or labeled on the outside:
20 "CONTAINS ALCOHOLIC BEVERAGES".

21 (3) Placed by an employee of the permittee who is at least
22 twenty-one (21) years of age:

23 (A) in the trunk of the motor vehicle; or

24 (B) behind the last upright seat of the motor vehicle, if the
25 motor vehicle is not equipped with a trunk.

26 A retailer permittee may only convey a customer's order of alcoholic
27 beverages to the customer, if the customer has also purchased a meal
28 from the retailer permittee that is conveyed to the customer at the same
29 time as the alcoholic beverages.

30 (e) The employee of the permittee that conveys the alcoholic
31 beverages to the customer must require the customer to provide proof
32 of age in accordance with IC 7.1-5-10-23.

33 (f) The parking lot or area where the alcoholic beverages are
34 conveyed to the customer must be:

35 (1) well lit; and

36 (2) within clear view of the main entrance to the building of the
37 retailer premises.

38 (g) If a wine retailer prepares and packages wine:

39 (1) for sale and delivery to a customer on the licensed premises
40 for consumption off the licensed premises; and

1 (2) in a container that is not in a qualified container;
2 the commission may revoke the wine retailer's privilege under this
3 section of preparing and packaging wine for sale and delivery to a
4 customer in a qualified container.

5 SECTION 28. IC 7.1-3-14-8 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2026]: **Sec. 8. (a) A wine retailer may sell wine for consumption
8 off the licensed premises from a display in a room:**

9 (1) where the bar is located or alcoholic beverages are stored,
10 prepared, or dispensed for consumption on the licensed
11 premises;

12 (2) that is not partitioned to create a section that is solely or
13 primarily for package sales of wine; and

14 (3) that does not have a separate cash register for package
15 sales.

16 (b) This subsection applies only to a wine retailer if the sale of
17 wine on the licensed premises is at least sixty percent (60%) of the
18 annual gross income of the premises. A wine retailer may allow a
19 customer to obtain by self-service sealed bottles of wine for
20 consumption off the licensed premises from a display under
21 subsection (a).".

22 Renumber all SECTIONS consecutively.
(Reference is to HB 1052 as introduced.)