

PROPOSED AMENDMENT

HB 1052 # 19

DIGEST

Administrative law matters. Adds a reference to wagering on horse racing in a provision prohibiting certain individuals from wagering at a licensed facility. Specifies that the fee for a wholesale tobacco sales certificate is \$100. Removes a provision that would have required a person who desires a tobacco sales certificate to provide a floor plan of the premises where tobacco products or electronic cigarettes will be sold. Allows a wholesale tobacco sales certificate to be issued in conjunction with a tobacco sales certificate or for the same location for which a tobacco sales certificate has been issued, if the operation of each certificate occurs separately within a distinct area on the premises. Removes a provision that would have made it a Class C misdemeanor to refuse to provide identifying information to a law enforcement officer in certain circumstances.

- 1 Page 4, line 7, after "games" insert "**or horse racing**".
- 2 Page 14, delete lines 22 through 42, begin a new paragraph and
- 3 insert:
 - 4 "SECTION 28. IC 7.1-3-18.5-2, AS AMENDED BY P.L.107-2024,
 - 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 - 6 JULY 1, 2026]: Sec. 2. (a) A person who desires a certificate must
 - 7 provide the following to the commission:
 - 8 (1) The applicant's name and mailing address and the address of
 - 9 the premises for which the certificate is being issued.
 - 10 (2) Except as provided in section 6(c) of this chapter, a fee of:
 - 11 (A) two hundred dollars (\$200) **for a retail tobacco sales**
 - 12 **certificate; or**
 - 13 **(B) one hundred dollars (\$100) for a wholesale tobacco**
 - 14 **sales certificate.**
 - 15 (3) The name under which the applicant transacts or intends to
 - 16 transact business.
 - 17 (4) The address of the applicant's principal place of business or
 - 18 headquarters, if any.
 - 19 (5) The statement required under section 2.6 of this chapter.
 - 20 (6) If the applicant is applying for a new certificate under section
 - 21 3.2 of this chapter, a copy of each of the following:
 - 22 (A) If the new ownership of the business is a business entity,
 - 23 the articles of incorporation, articles of organization, or any

other formation documents of the business entity.

(B) If the new ownership of the business is an individual, either:

(i) the sales or purchase agreement; or

(ii) an affidavit signed by the applicant concerning the sale or purchase, on a form prescribed by the commission, that includes the name and address of the seller and purchaser.

(C) The certificate held by the previous ownership of the business.

(7) A photocopy of the owner's driver's license, identification card issued under IC 9-24-16-1, a similar card issued under the laws of another state or the federal government, or another government issued document that bears the owner's photograph and birth date. If the applicant is a business with multiple owners, the applicant must designate at least one (1) managing owner for whom a photocopy of the managing owner's identification must be provided under this subdivision.

(b) A separate certificate is required for each location where the tobacco products or electronic cigarettes are sold or distributed. ~~A retail~~
~~An~~ establishment may not hold more than one (1) active tobacco sales certificate for a ~~retail~~ location at any time. **Except when the real estate for a retail location is transferred to an independent third party, the commission shall not issue a certificate to a retail location where a tobacco sales certificate was revoked within one (1) year prior to the date of the application.**

(c) A certificate holder shall conspicuously display the holder's certificate on the holder's premises where the tobacco products or electronic cigarettes are sold or distributed.

(d) Any intentional misstatement or suppression of a material fact in an application filed under this section constitutes grounds for denial **or revocation** of the certificate.

(e) A certificate may be issued only to a person who meets the following requirements:

(1) If the person is an individual, the person must be at least twenty-one (21) years of age.

(2) The person must be authorized to do business in Indiana.

(3) The person has not had an interest in a certificate revoked **or suspended** by the commission for that business location within the preceding one (1) year.

1 (f) The fees collected under this section shall be deposited in the
2 enforcement and administration fund under IC 7.1-4-10.".

3 Page 15, delete lines 1 through 40.

4 Page 17, delete lines 29 through 33, begin a new paragraph and
5 insert:

6 **"(c) A wholesale tobacco sales certificate:**

11 (3) may be issued:

15 if the operation of each certificate occurs separately within a
16 distinct area on the premises.".

17 Page 29, delete lines 13 through 42.

18 Page 30, delete lines 1 through 25.

19 Renumber all SECTIONS consecutively.

(Reference is to HB 1052 as introduced.)