

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.

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

Page 15, delete lines 1 through 40.

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

"(c) A wholesale tobacco sales certificate:

(1) is valid for one (1) year after the date of issuance, unless the commission suspends the wholesale tobacco sales certificate;

(2) is nontransferable; and

(3) may be issued:

(A) in conjunction with a tobacco sales certificate; or

(B) 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."

Page 29, delete lines 13 through 42.

Page 30, delete lines 1 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1052 as introduced.)