

# PROPOSED AMENDMENT

## HB 1052 # 20

### DIGEST

New permits. Allows the alcohol and tobacco commission (commission) to issue to the city of Gary not more than 10 new three-way permits. Allows the commission to issue a beer dealer's permit, wine dealer's permit, and liquor dealer's permit to a drug store operated in the city of Westfield and a drug store operated in the town of Sellersburg.

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- 1       Page 19, between lines 4 and 5, begin a new paragraph and insert:  
2       "SECTION 34. IC 7.1-3-20-16.8, AS AMENDED BY THE  
3       TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL  
4       ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5       JULY 1, 2026]: Sec. 16.8. (a) A permit that is authorized by this  
6       section may be issued without regard to the quota provisions of  
7       IC 7.1-3-22.  
8       (b) Except as provided in section 16.3 of this chapter, the  
9       commission may issue not more than four (4) new three-way permits  
10      to sell alcoholic beverages for on-premises consumption to applicants  
11      in each of the following municipalities:  
12          (1) Whitestown.  
13          (2) Lebanon.  
14          (3) Zionsville.  
15          (4) Westfield.  
16          (5) Carmel.  
17          (6) Fishers.  
18          (7) Noblesville.  
19      (c) The following apply to permits issued under subsection (b):  
20          (1) An applicant for a permit under subsection (b) must be a  
21          proprietor, as owner or lessee, or both, of a restaurant located  
22          within an economic development area, an area needing  
23          redevelopment, or a redevelopment district as established under  
24          IC 36-7-14 in a municipality's:  
25              (A) downtown redevelopment district; or  
26              (B) downtown economic revitalization area.

- 1 (2) The cost of an initial permit is forty thousand dollars  
 2 (\$40,000).
- 3 (3) The total number of active permits issued under subsection (b)  
 4 may not exceed twenty-four (24) permits at any time. If any of the  
 5 permits issued under subsection (b) are revoked or not renewed,  
 6 the commission may issue only enough new permits to bring the  
 7 total number of permits to twenty-four (24) active permits, with  
 8 not more than four (4) in each municipality listed in subsection  
 9 (b)(1) through (b)(6).
- 10 (4) The municipality may adopt an ordinance under  
 11 IC 7.1-3-19-17 requiring a permit holder to enter into a formal  
 12 written commitment as a condition of eligibility for a permit. As  
 13 set forth in IC 7.1-3-19-17(b), a formal written commitment is  
 14 binding on the permit holder and on any lessee or proprietor of  
 15 the permit premises.
- 16 (5) Notwithstanding ~~IC 7.1-3-1-3.5~~ and IC 7.1-3-1.1, if business  
 17 operations cease at the permit premises for more than six (6)  
 18 months, the permit shall revert to the commission and the permit  
 19 holder is not entitled to any refund or other compensation.
- 20 (6) Except as provided in subdivision (8), the ownership of a  
 21 permit may not be transferred.
- 22 (7) A permit may not be transferred from the premises for which  
 23 the permit was issued.
- 24 (8) If the area in which the permit premises is located is no longer  
 25 designated an economic development area, an area needing  
 26 redevelopment, or a redevelopment district, a permit issued under  
 27 this section may be renewed, and the ownership of the permit may  
 28 be transferred, but the permit may not be transferred from the  
 29 permit premises.
- 30 (d) Except as provided in section 16.3 of this chapter, in addition to  
 31 the permits issued to the town of Whitestown under subsection (c), the  
 32 commission may issue to the town of Whitestown not more than:
- 33 (1) three (3) new three-way permits; and  
 34 (2) three (3) new two-way permits;  
 35 under this subsection.
- 36 (e) The following apply to permits issued under subsection (d):
- 37 (1) An applicant for a permit under subsection (d)(1) or (d)(2)  
 38 must be a proprietor, an owner or lessee, or both, of a restaurant  
 39 located within an economic development area, an area needing  
 40 redevelopment, or a redevelopment district as established under

- 1 IC 36-7-14 in a municipality's:
- 2 (A) downtown redevelopment district; or
- 3 (B) downtown economic revitalization area.
- 4 (2) The cost of an initial permit is forty thousand dollars
- 5 (\$40,000).
- 6 (3) The total number of active permits issued under subsection (d)
- 7 may not exceed the six (6) permits allocated by permit type, as set
- 8 forth in that subsection.
- 9 (4) The municipality may adopt an ordinance under
- 10 IC 7.1-3-19-17 requiring a permit holder to enter into a formal
- 11 written commitment as a condition of eligibility for a permit. As
- 12 set forth in IC 7.1-3-19-17(b), a formal written commitment is
- 13 binding on the permit holder and on any lessee or proprietor of
- 14 the permit premises.
- 15 (5) Notwithstanding IC 7.1-3-1.1, if business operations cease at
- 16 the permit premises for more than six (6) months, the permit shall
- 17 revert to the commission and the permit holder is not entitled to
- 18 any refund or other compensation.
- 19 (6) Except as provided in subdivision (8), the ownership of a
- 20 permit may not be transferred.
- 21 (7) A permit may not be transferred from the premises for which
- 22 the permit was issued.
- 23 (8) If the area in which the permit issued to a premises under
- 24 subsection (d)(1) or (d)(2) is located is no longer designated an
- 25 economic development area, an area needing redevelopment, or
- 26 a redevelopment district, a permit issued under this section may
- 27 be renewed, and the ownership of the permit may be transferred,
- 28 but the permit may not be transferred from the permit premises.
- 29 (f) Except as provided in section 16.3 of this chapter, in addition to
- 30 the permits issued to the city of Noblesville under subsection (c), the
- 31 commission may issue to the city of Noblesville not more than ten (10)
- 32 new three-way permits under this subsection. The new three-way
- 33 permits may be issued as follows:
- 34 (1) Three (3) new three-way permits in 2024.
- 35 (2) Three (3) new three-way permits in 2025.
- 36 (3) Four (4) new three-way permits in 2026.
- 37 If the commission does not issue the amount of three-way permits
- 38 allowed in subdivisions (1) through (3) in that year, any unissued
- 39 permits will roll over and may be issued in a subsequent year.
- 40 (g) The following apply to permits issued under subsection (f):

(1) An applicant for a permit under subsection (f) must be a proprietor, an owner or lessee, or both, of a restaurant located within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14 in a municipality's:

(A) downtown redevelopment district; or

(B) downtown economic revitalization area.

(2) The cost of an initial permit is forty thousand dollars (\$40,000).

(3) The total number of active permits issued under subsection (f) may not exceed the ten (10) new three-way permits, as set forth in that subsection.

(4) The municipality may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(5) Notwithstanding IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.

(6) Except as provided in subdivision (8), the ownership of a permit may not be transferred.

(7) A permit may not be transferred from the premises for which the permit was issued.

(8) If the area in which the permit issued to a premises under subsection (f) is located is no longer designated an economic development area, an area needing redevelopment, or a redevelopment district, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(h) Except as provided in section 16.3 of this chapter, the commission may issue to the city of Delphi not more than two (2) new three-way permits under this subsection. ~~(i) The following apply to permits issued under this subsection: (i):~~

(1) An applicant for a permit ~~under subsection (h)~~ must be a proprietor, an owner or lessee, or both, of a restaurant located within an economic development area, an area needing redevelopment, or a redevelopment district as established under

- 1 IC 36-7-14 in a municipality's:
- 2 (A) downtown redevelopment district; or
- 3 (B) downtown economic revitalization area.
- 4 (2) The cost of an initial permit is forty thousand dollars
- 5 (\$40,000).
- 6 (3) The total number of active permits issued under **this**
- 7 subsection ~~(h)~~ may not exceed the two (2) new three-way permits.
- 8 ~~as set forth in that subsection.~~
- 9 (4) The municipality may adopt an ordinance under
- 10 IC 7.1-3-19-17 requiring a permit holder to enter into a formal
- 11 written commitment as a condition of eligibility for a permit. As
- 12 set forth in IC 7.1-3-19-17(b), a formal written commitment is
- 13 binding on the permit holder and on any lessee or proprietor of
- 14 the permit premises.
- 15 (5) Notwithstanding IC 7.1-3-1.1, if business operations cease at
- 16 the permit premises for more than six (6) months, the permit shall
- 17 revert to the commission and the permit holder is not entitled to
- 18 any refund or other compensation.
- 19 (6) Except as provided in subdivision (8), the ownership of a
- 20 permit may not be transferred.
- 21 (7) A permit may not be transferred from the premises for which
- 22 the permit was issued.
- 23 (8) If the area in which the permit issued to a premises under **this**
- 24 subsection ~~(h)~~ is located is no longer designated an economic
- 25 development area, an area needing redevelopment, or a
- 26 redevelopment district, a permit issued under this section may be
- 27 renewed, and the ownership of the permit may be transferred, but
- 28 the permit may not be transferred from the permit premises.
- 29 ~~(j)~~ (i) Except as provided in section 16.3 of this chapter, the
- 30 commission may issue to the city of Warsaw not more than three (3)
- 31 new three-way permits under this subsection. ~~(k)~~ The following apply
- 32 to permits issued under **this** subsection: ~~(j)~~:
- 33 (1) An applicant for a permit ~~under subsection (j)~~ must be a
- 34 proprietor, an owner or lessee, or both, of a restaurant located
- 35 within an economic development area, an area needing
- 36 redevelopment, or a redevelopment district as established under
- 37 IC 36-7-14 in a municipality's:
- 38 (A) downtown redevelopment district; or
- 39 (B) downtown economic revitalization area.
- 40 (2) The cost of an initial permit is forty thousand dollars

- 1 (\$40,000).
- 2 (3) The total number of active permits issued under **this**
- 3 subsection ~~(f)~~ may not exceed the three (3) new three-way
- 4 permits. ~~as set forth in that subsection.~~
- 5 (4) The municipality may adopt an ordinance under
- 6 IC 7.1-3-19-17 requiring a permit holder to enter into a formal
- 7 written commitment as a condition of eligibility for a permit. As
- 8 set forth in IC 7.1-3-19-17(b), a formal written commitment is
- 9 binding on the permit holder and on any lessee or proprietor of
- 10 the permit premises.
- 11 (5) Notwithstanding IC 7.1-3-1.1, if business operations cease at
- 12 the permit premises for more than six (6) months, the permit shall
- 13 revert to the commission and the permit holder is not entitled to
- 14 any refund or other compensation.
- 15 (6) Except as provided in subdivision (8), the ownership of a
- 16 permit may not be transferred.
- 17 (7) A permit may not be transferred from the premises for which
- 18 the permit was issued.
- 19 (8) If the area in which the permit issued to a premises under **this**
- 20 subsection ~~(f)~~ is located is no longer designated an economic
- 21 development area, an area needing redevelopment, or a
- 22 redevelopment district, a permit issued under this section may be
- 23 renewed, and the ownership of the permit may be transferred, but
- 24 the permit may not be transferred from the permit premises.
- 25 ~~(f)~~ **(j)** Except as provided in section 16.3 of this chapter, the
- 26 commission may issue to the town of Syracuse not more than one (1)
- 27 new three-way permit under this subsection. ~~(m)~~ The following apply
- 28 to a permit issued under **this** subsection: ~~(f)~~
- 29 (1) An applicant for a permit ~~under subsection (f)~~ must be a
- 30 proprietor, an owner or lessee, or both, of a restaurant located
- 31 within an economic development area, an area needing
- 32 redevelopment, or a redevelopment district as established under
- 33 IC 36-7-14 in a municipality's:
- 34 (A) downtown redevelopment district; or
- 35 (B) downtown economic revitalization area.
- 36 (2) The cost of an initial permit is forty thousand dollars
- 37 (\$40,000).
- 38 (3) The total number of active permits issued under **this**
- 39 subsection ~~(f)~~ may not exceed the one (1) new three-way permit.
- 40 ~~as set forth in that subsection.~~

(4) The municipality may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(5) Notwithstanding IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.

(6) Except as provided in subdivision (8), the ownership of a permit may not be transferred.

(7) A permit may not be transferred from the premises for which the permit was issued.

(8) If the area in which the permit issued to a premises under **this** subsection ~~(H)~~ is located is no longer designated an economic development area, an area needing redevelopment, or a redevelopment district, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

**(k) Except as provided in section 16.3 of this chapter, the commission may issue to the city of Gary not more than ten (10) new three-way permits under this subsection. The following apply to a permit issued under this subsection:**

**(1) An applicant for a permit must be a proprietor, an owner or lessee, or both, of a restaurant located within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14 in a municipality's:**

**(A) downtown redevelopment district; or**

**(B) downtown economic revitalization area.**

**(2) The cost of an initial permit is forty thousand dollars (\$40,000).**

**(3) The total number of active permits issued under this subsection may not exceed the ten (10) new three-way permits.**

**(4) The municipality may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written**

commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(5) Notwithstanding IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.

(6) Except as provided in subdivision (8), the ownership of a permit may not be transferred.

(7) A permit may not be transferred from the premises for which the permit was issued.

(8) If the area in which the permit issued to a premises under this subsection is located is no longer designated an economic development area, an area needing redevelopment, or a redevelopment district, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

SECTION 35. IC 7.1-3-22-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.7. (a)** Notwithstanding section 4(a) through 4(c) of this chapter, the commission may issue a beer dealer's permit, wine dealer's permit, and liquor dealer's permit to a drug store operated in the city of Westfield.

(b) Notwithstanding section 4(a) through 4(c) of this chapter, the commission may issue a beer dealer's permit, wine dealer's permit, and liquor dealer's permit to a drug store operated in the town of Sellersburg.

(c) The following apply to a permit issued under subsection (a) or (b):

(1) The combined initial permit cost is forty thousand dollars (\$40,000) for all three (3) permits.

(2) A permit may not be transferred from the premises for which the permit was issued.

(3) The ownership of a permit may be transferred with approval from the commission.

(4) Each permit is subject to the requirements applicable to the permit type."

Renumber all SECTIONS consecutively.

(Reference is to HB 1052 as introduced.)