



**INDIANA STATE
UNIVERSITY**

**DRUG AND ALCOHOL
ABUSE PREVENTION
PROGRAM REVIEW**

January 2, 2021—December 31, 2022

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Introduction

The Drug Free Schools and Communities Act (DFSCA) and Part 86 of the Department of Education's General Administrative Regulations (Edgar Part 86) requires institutions of higher education to adopt and implement drug and alcohol abuse prevention programs (DAAPP) for students and employees. Indiana State University (ISU) has developed and implemented drug and alcohol abuse education and prevention programming designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at campus events. ISU is required to distribute written information about its DAAPP, as well as conduct a biennial review to measure its effectiveness and ensure a consistent enforcement of its disciplinary sanctions. As a part of its activities, ISU distributes and has available written materials that include the following:

- Standards of conduct that prohibit the unlawful possession, use or distribution of illicit drugs and alcohol on University property or part of our activities;
- A description of the health risks associated with the use of illicit drugs and abuse of alcohol;
- Federal, state and local laws with applicable legal sanctions;
- Information regarding counseling and treatment programs;
- A list of prevention and education programming offered;
- Specific information regarding disciplinary sanctions ISU will impose on students and employees who violate standards of conduct.

The process of conducting a biennial review provides ISU with an opportunity to examine the reach and impact of our alcohol and drug prevention efforts. Through this review, we will acknowledge our achievements and most importantly, we will identify areas that need improvement. The spirit of improvement is our primary goal, as we are aware of the serious negative impacts alcohol and other drug abuse has on our campus community. Specifically, ISU undertakes a biennial review to internally evaluate its alcohol and drug abuse prevention programming in the following areas:

- Determine program effectiveness and implement programmatic changes as needed;
- Determine the number of drug- and alcohol-related violations that occur on the institution's campus or as part of any of the institution's activities;
- Determine the number and type of sanctions that are imposed by the institution as a result of drug- and alcohol-related violations on the institution's campus or as a part of any of the institution's activities; and
- Ensure that the sanctions are consistently enforced.

Indiana State University (ISU) is a public research institution of higher education located in Terre Haute, Indiana and plays a crucial and growing role in the region's economic development. Total enrollment for Fall 2022 was 8,658 Total undergraduate enrollment was 6,965. Total graduate enrollment was 1,693. Most undergraduate students are full-time (82.3%) with 17.6% being part-time students. Graduate students are more likely to be part-time (52.6%) than full-time (47.4%).

More than 67% of students enrolled at ISU are Indiana state residents. The top five counties' students hail from are Vigo, Marion, Lake, Hendricks, and Hamilton. The top five countries students other than the United States originate from are India, Saudi Arabia, Nigeria, Canada,

and Bangladesh. Most ISU students are White (69.5%), while 26.4% are from racial/ethnic groups.

Alcohol and Other Drug (AOD) Prevalence Rate, Incidence Rate, and Trend Data

The number of AOD student violations in 2021 and 2022 are provided below in Table A and Table C from the Office of Student Support & Accountability. Additionally each year’s “Summary of Student Sanctions/Outcomes Assigned to Individual Cases” are provided below in Table B and Table D. Finally, in Table E are the 2021-2022 ISU Police Department Statistics on AOD arrests.

Data for this biennial report (2021-2022) compared to the last (2019-2020) the Office of Student Support & Accountability recorded a decrease in both the number illegal alcohol behaviors and illegal drug behaviors in both 2021 and 2022. Improved education and staff reporting may be a cause of this change. First semester freshman remain the number one violators of alcohol and other drug polices at Indiana State University. In administrative conferences with hearing officers, the majority of the students state they were exploring with alcohol and marijuana now that they were away from home. The addition of the Campus Clarity AOD module training for all first-time offenders has been helpful in increasing AOD awareness with the intent of curving future behavior.

Human Resources reported four employee AOD violations during the 2021-2022 biennium, as shown in Table F. Of those four reported, three resulted in termination, and one in a referral to Employee Assistance Programs (EAP), depicted in Table G. It should be noted that the violations reported by Human Resources are all for alcohol.

ISU Police Department statistics regarding alcohol arrests were down in some areas as compared to the last biennium. This could be a reflection of the changing enrollment patterns at ISU, as well as the continued impact from COVID-19 pandemic.

Table A: 2021 Summary of Student Alcohol and Drug Violations

	Spring 2021	Summer 2021	Fall 2021	Total
Alcohol Violations:				
Alcohol violations by persons under 21	42	4	34	80
Alcohol violations inconsistent with university policy	0	0	0	0
Furnishing alcohol to persons under 21	2	1	0	3
Behavior while under the influence of an alcoholic beverage	6	1	6	13
Total	50	6	40	96
Drug violations:				
Possession of unlawful drug or controlled substances	22	9	20	51
Possession of drug paraphernalia	7	3	8	18
Use of unlawful drug or controlled substances	38	10	30	78
Misuse of over-the-counter drugs or prescription drugs	0	0	1	1
Distribution and/or sale and/or delivery of unlawful drugs or controlled substances	0	0	1	1
Reasonable suspicion of unlawful drug use (odor)	3	0	7	10

Behavior while under the influence of drug or controlled substances	2	0	2	4
Total	72	22	69	163

Table B: 2021 Summary of Student Sanctions/Outcomes Assigned to Individual Charges

	Spring 2021	Summer 2021	Fall 2021	Total
Alcohol Violations:				
Conduct Discussion	0	0	0	0
Conduct Warning	31	5	23	59
Conduct Probation	19	0	2	21
Separation	0	0	1	1
Educational Module (AOD Training - Alcohol)	25	5	21	51
Drug Violations:				
Conduct Discussion	0	0	0	0
Conduct Warning	23	9	20	52
Conduct Probation	22	0	5	27
Separation	4	0	2	6
Educational Module (AOD Training - Drugs)	55	9	21	85

Table C: 2022 Summary of Alcohol and Drug Violations

	Spring 2022	Summer 2022	Fall 2022	Total
Alcohol Violations:				
Alcohol violations by persons under 21	17	4	64	85
Alcohol violations inconsistent with university policy	0	0	2	2
Furnishing alcohol to persons under 21	2	1	0	3
Behavior while under the influence of an alcoholic beverage	1	1	4	6
Total	20	6	70	96
Drug violations:				
Possession of unlawful drug or controlled substances	24	1	38	63
Possession of drug paraphernalia	13	1	24	38
Use of unlawful drug or controlled substances	43	0	53	96

Misuse of over-the-counter drugs or prescription drugs	0	0	0	0
Distribution and/or sale and/or delivery of unlawful drugs or controlled substances	0	0	0	0
Reasonable suspicion of unlawful drug use (odor)	5	0	12	17
Behavior while under the influence of drug or controlled substances	0	0	2	2
Total	85	2	129	216

Table D: Summary of Student Sanctions/Outcomes Assigned to Individual Charges

	Spring 2022	Summer 2022	Fall 2022	Total
Alcohol Violations:				
Conduct Discussion	4	0	6	10
Conduct Warning	11	2	49	62
Conduct Probation	0	0	3	3
Separation	0	0	1	1
Educational Module (AOD Training - Alcohol)	9	0	39	48
Housing Contract Termination	0	0	1	1
Drug Violations:				
Conduct Discussion	5	0	7	12
Conduct Warning	50	9	54	113
Conduct Probation	5	0	13	18
Separation	4	0	2	6
Educational Module (AOD Training - Drugs)	55	9	50	114
Housing Contract Termination	0	0	4	4

Table E: 2021-2022 ISU Police Department Statistics

**Includes community arrests*

Alcohol	2021	2022
Illegal Possession of Alcohol Arrests:	0	4
Public Intoxication Arrests:	4	4
Minor Consuming Alcohol Arrests:	15	19
Furnishing Alcohol to a Minor Arrests:	0	0
Total Alcohol Arrests	19	27
Drugs	2021	2022
Dealing in Scheduled Controlled Substance Arrests:	0	0
Dealing in Cocaine or Narcotic Drug Arrests:	0	0
Dealing in Methamphetamine Arrests:	0	0
Possession of a Controlled Substance Arrests:	2	2

Possession of Cocaine or Narcotic Drug Arrests:	0	0
Possession of Methamphetamine Arrests:	2	8
Possession of Paraphernalia Arrests:	4	7
Dealing in Marijuana Arrests:	0	0
Possession of Marijuana Arrests:	5	5
Dealing in Look-A-Like Substance Arrests	0	0
Possession of a Look-A-Like Substance Arrests:	2	0
Total Drug Arrests	15	22
Operating Vehicle while Intoxicated	12	18

Table F: 2021-2022 Summary of Employee Alcohol & Drug Violations

Violation	2021	2022
Alcohol	4	0
Drugs	0	0

Table G: 2021-2022 Summary of Employee Sanctions/Outcomes Assigned to Individual Cases

Violation Type:	Alcohol 2021	Alcohol 2022	Drugs 2021	Drugs 2022
Suspension	0	0	0	0
Termination	3	0	0	0
EAP Program Referrals	1	0	0	0

Assessment Data

Indiana State University participates in the Indiana College Substance Use Survey every other year. This survey assesses substance use and consequences, accessibility, peer attitudes and norms, mental health, and gambling behaviors. The data collected from the survey provides important information to administrators to guide decision making on ISU policies, prevention programs, and collaboration with community partners. The state of Indiana also receives a statewide report which they use to guide planning and prevention efforts across Indiana.

In Spring 2021, Indiana State University invited 10,040 students to participate in the Indiana College Substance Use Survey; however, there were 834 respondents for an 8.3% response rate. Funding for the survey was provided by the Indiana Family and Social Services Administration, Division of Mental Health and Addiction. The survey administration and data analysis were conducted by the Institute for Research on Addictive Behavior at the School of Public Health, Indiana University-Bloomington. The full report can be found in Appendix A.

Past Month Substance Use

Half of the students who participated in the survey (56.6%), including two-fifths of the students under 21 years of age (41.2%), reported consuming alcohol in the past month. Approximately sixteen percent (15.5%) reported using electronic vapor products, and 14.4% reported using marijuana. Six (6.2%) percent of the students smoked cigarettes in the past month. Less than two (1.3%) percent reported misuse of prescription stimulants without a doctor's prescription

in the past month. More than one-third of ISU students also report initiating alcohol (35.5%) or marijuana (38.3%) use after starting college.

Binge Drinking

One-fourth of the students (24.7%) reported binge drinking in the past two weeks, with 27.9% of male students and 24.2% of female students. 2.9 is mean number of drinks respondents typically consume when they drink alcohol, specifically the average number of drinks for men was 3.5 and females were 2.7. Those under 21 had a higher mean number of drinks (i.e., 3.2 drinks) compared to those over the age of 21 (i.e., 2.8 drinks). Students over 21 were much more likely to report binge drinking than underage students (28.7% vs. 18.7%).

Consequences of Alcohol Use

Slightly less than half of the students who drank alcohol in the past year (47.8%) reported having had a hangover, and 15.8% reported blacking out (forgetting where they were or what they did). Approximately fourteen percent (13.8%) of the students reported engaging in unprotected sexual intercourse, and six percent (6.1%) reported missing class or an assignment because of their drinking. 5.3% of the students reported that they had been hurt or injured in the past year because of drinking.

Underage Students' Access to Alcohol

Half of the students under 21 years of age who have used alcohol (52.4%) reported that they obtain it from friends over 21 years old, and 17.6% reported getting it from parents or other adults over 21 (26.8%). Approximately eighteen percent reported obtaining it at off campus parties (17.9%). Seven percent of the students under 21 who have used alcohol reported having purchased it directly from a retailer. 41.7% of the students who purchased alcohol from a retailer reported doing so without being asked for ID and 45.5 % reported using a fake ID. One third of the underage students (33.3%) obtained alcohol from a retailer using someone else's ID.

Perception of Peer Beliefs

Over one-fourth of the underage students (27.3%) think it is likely for someone under 21 to be ticketed if drinking at off-campus housing. Less than half of the students thought their close friends would disapprove if they had five or more alcoholic drinks in one sitting (44.3%), or if they used marijuana (48%).

Program Goals & Inventory

Program Goals

Each department provides AOD programming for their "clientele" and all of which are students, except for Human Resources whose clientele are employees of Indiana State University. Each department creates their own AOD programming goals; most of these are similar to other department's goals. The primary program goal for all departments is fulfilling the needs of educating our students and staff on reducing harm in relation to AODs.

Intercollegiate Athletics AOD programming goals are educational opportunities for student-athletes so they make more informed decisions, as well as awareness of risks and negative effects of alcohol and drug abuse, and prevention strategies. Athletics helps deter the use of

these substances through a comprehensive drug-testing program, where the goal is negative results from all those tested. These tests are used to identify student-athletes with substance abuse/dependence and other problems for which substance use may be an indicator early in the course of the disease or problem. Action or treatment may be instituted in a timely manner if necessary.

Public Safety Department's goals include increase enforcement efforts in areas of concern regarding drug use and underage alcohol consumption; reduce the prevalence of alcohol and drug abuse on campus; increase awareness on the effects of alcohol and drugs; and support the enforcement of violations concerning drugs and alcohol to align with the university's policies as outlined in the University Handbook and the Student Handbook.

Residential Life goals are to provide opportunities for students to learn the ways in which alcohol impacts the students physiologically, mentally, and socially. They wish to provide opportunities for students to better understand the negative consequences of high-risk alcohol consumption so that they can make more informed choices about their own AOD behaviors.

Residential Life provides opportunities for students to learn about and understand the campus alcohol policies and specifically the medical amnesty policy. Finally, Residential Life's programming goal is to provide opportunities for students to learn ways to assist friends who have made negative choices around AOD.

Human Resources goals are to include University Policy on Drug Free Workplace in the Fact Finder Binder that is provided with all new benefit-eligible staff and faculty; an email reminder of the policy is sent to new employees after 30 days of employment. Onboarding now includes the Policy statement that is electronically signed and kept in the system and a guide for drug and alcohol resources was to be developed for employees seeking assistance through the Employee Assistance Program. Additionally, this is used when employees have a drug and alcohol reprimand and employee relation issues. Additional efforts include, campus wide awareness posters and health risks along with resource information; additional information to be listed on the Employee Benefits/Wellness and Employee Assistance Program web pages; and developing procedures within Human Resources to have all Human Resources functions to coordinate Alcohol and Drug issues.

Fraternity & Sorority Life is committed to providing a safe environment for members, guests, and those aspiring to become members of recognized fraternities/sororities. Their staff meet regularly with student leaders to ensure they are in compliance with their respective inter/national risk management protocols for events as well as membership activities. Additionally, the Fraternity & Sorority Life staff work in collaboration with other University departments, local advisors, and organizational staff to address issues of accountability when they arise.

Program Inventory

ISU is committed to eradicating the abuse of alcohol and drugs in our campus community and has developed a Drug and Alcohol Abuse Prevention Program as required by federal law. The Division of Student Affairs, with support from the Office of Human Resources and University Police, is responsible for the overall implementation and assessment of ISU's efforts. ISU

provides annual notice of the components of the ISU Prevention Program to ensure that ISU Community members are aware of ISU standards of conduct, sanctions for violations of university policy, legal ramifications of drug and alcohol abuse, the health risks of alcohol and illicit drug use, and a summary of ISU prevention and education efforts.

The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the ISU campus environment, as well as the individual potential of our students and staff. The University enforces state laws and related University policies, including those prohibiting the following activities on campus:

- Providing alcoholic beverages to individuals under 21, or possession, or consumption of alcoholic beverages by individuals under 21.
- Distribution, unlawful manufacturing, possession, or use of illegal drugs or controlled substances.

Short-term alcohol and drug counseling is available on campus to students through the Student Counseling Center (SCC). Counselors may refer students to other treatment programs for more intensive treatment. The SCC provides assessment, education and treatment services for ISU students who are having difficulties with substance abuse issues affecting their college lives. For students seeking services for alcohol or drug concerns, the SCC provides short-term individual counseling as well as brief groups for these concerns. All students must undergo an initial appointment with a counselor to determine the level of risk and current usage. Based on the outcome of the first appointment, students are referred to either alcohol or marijuana psycho-education groups or to individual counseling. The groups are a total of 3 hours and take place over a 3-week period. At times, referrals for more formal drug and alcohol evaluations to satisfy requirements for the Office of Student Support & Accountability, the courts, or another referring entity often occur. The SCC uses a structured assessment to determine the student's current and future level of risk. As with many other universities, drug use at ISU is an ever-growing concern. The SCC refers students needing treatment that is more intensive to appropriate programs within the community. In addition to assessment and brief treatment, the SCC and Student Health Promotion offer consultations to the campus community regarding students with substance use concerns, as well as a range of outreach programming focused on alcohol and drug use. Examples of outreach services provided include presentations, displays, informational tables, and other activities as requested. Both departments offer individual, group, and community educational programs and interventions designed to prevent and reduce alcohol and other drug use/abuse to the ISU Community.

Environmental Strategies

Alcohol-Free Programming: The university has prioritized the promotion of alcohol-free events and activities, providing students with engaging alternatives that do not involve alcohol or drugs, particularly among programs implemented through offices, such as Campus Life, Student Health Promotion, and Residential Life.

Establishment of Amnesty Policies: To encourage responsible decision-making and seek help when needed, amnesty policies have been put in place, assuring students that seeking assistance during alcohol or drug-related emergencies will not result in punitive consequences. The Indiana Lifeline Law provides immunity for the crimes of public intoxication, minor possession, minor consumption, and minor transport to persons who reveal themselves to law

enforcement while seeking medical assistance for a person suffering from an alcohol-related health emergency.

Friday Morning Classes: By scheduling classes on Friday mornings, the university aims to discourage excessive drinking on Thursday nights, promoting healthier and more responsible weekend habits. The Office of the Registrar provides the University catalog online with several programs and offering Friday morning classes.

Standards for Alcohol Service: The institution has established clear guidelines for alcohol service at campus social events, ensuring responsible and safe consumption in a controlled environment. Please see the Policy Inventory for more information.

Substance-Free Residence Halls: Offering substance-free residence halls creates a supportive living environment for students who choose to abstain from alcohol and other drugs, fostering a sense of community and safety. All residence halls, excluding apartment-style housing, are substance-free residence halls.

Safe-Rides Program: A safe-rides program ensures that students have a reliable and safe transportation option when they are unable to drive due to alcohol or drug impairment, reducing the risk of DUI incidents. During Homecoming, Student Health Promotion offers Sober Ride, a courtesy shuttle to ISU students and anyone wishing to shuttle to the stadium and back to campus.

Educational Programs

Student Health Promotion offered a variety of AOD programs for students, including a website dedicated to Alcohol Awareness, Drug Awareness, and Webpage Resources.

Program: Alcohol Skills Training Program (ASTP)	
Description: ASTP is a multicomponent alcohol skills training program for students at risk of developing alcohol use problems. The program provides information about addiction and offers exercises and training to help students identify personal drinking cues, develop alcohol refusal skills, and manage stress. ASTP consists of eight 90-minute sessions; however, programs conducted in as few as two sessions have been evaluated.	
Timing	By Appointment
Target	All active organizations within Fraternity and Sorority Life
College AIM	Yes

Program: Screening, Brief Intervention, Referral to Treatment (SBIRT)	
Description: Using the Alcohol Use Disorders Identification Test (AUDIT) tool, SBIRT trained facilitators assesses the severity of substance use and identifies the appropriate level of treatment. Brief intervention focuses on increasing insight and awareness regarding substance use and motivation toward behavioral change. Referral to treatment provides those identified as needing more extensive treatment with access to specialty care.	
Timing	By appointment
Target	Students

College AIM	Yes
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Program: National Alcohol Screening Day	
Description: Evidence-based practice used to identify, reduce, and prevent problematic use, abuse, and dependence on alcohol and illicit drugs	
Timing	Spring semester
Target	Students
College AIM	No; however, Screening, Brief Intervention and Referral to Treatment (SBIRT) is an evidence-based practice used for screening

Program: ScreenU Alcohol	
Description: Provided by Higher Education Center, ScreenU is an anonymous, web-based program that utilizes a brief screening process designed to identify students along the continuum of use from misuse to dependency. Students who indicate no misuse of alcohol, marijuana, or prescription drugs receive positive reinforcement of their choices. If the online screening indicates problematic use, the tool will provide students with feedback specific to their behavior and risk level. Students answer open-ended questions based on motivational interviewing principles.	
Timing	Continuous
Target	All currently enrolled students
College AIM	Yes

Program: Adult Mental Health First Aid	
Description: The West Central Indiana Area Health Education Area Center (AHEC) housed with the College of Health and Human Services at Indiana State University hosted (2) Mental Health First Aid training for employees. Mental Health First Aid is a skills-based training course that teaches participants about mental health and substance-use issues. The training educates on common signs and symptoms of mental health and substance use challenges, how to interact with a person in crisis, and how to connect a person with help, and expands participants' knowledge on trauma, substance use, and self-care.	
Timing	Summer (early June)
Target	Employees
College AIM	Yes

Program: Designated Walker (Homecoming Sober Monitor)	
Description: Designated Walker was created to make an unofficial homecoming tradition called "The Walk", in which participants walk down Wabash Avenue stopping at bars and restaurants along the way, safer for students and homecoming visitors. As part of Designated Walker, the Sycamore and Terre Haute communities keep other Sycamores safe. All Designated Walkers must attend bystander intervention training taught by Student Health Promotion. This ongoing program is sponsored by Pepsi.	

Timing	Homecoming
Target	Everyone
College AIM	Yes; via bystander intervention program

Program: Social Norms Campaign	
Description: Student Health Promotion utilizes the social norms approach in AOD training, workshops, and outreach; in addition to establishing an intentional marketing campaign. The social norms approach is a theory and an evidence-based program that aims to dismantle college students' beliefs to align with the reality of the majority of their peer's consumption behaviors. The social norms approach and campaign utilize Indiana State University-specific data from the Indiana College Substance Use Survey and the American College Health Association's National College Health Assessment.	
Timing	Continuous
Target	Everyone
College AIM	Yes

Policy Inventory

Annual Notification

As part of its commitment to creating a campus environment free from drug use and alcohol abuse, ISU annually notifies its students and employees about the components of the ISU Prevention Program to ensure that ISU Community members are aware of ISU standards of conduct, sanctions for violations of university policy, legal ramifications of drug and alcohol abuse, the health risks of alcohol and illicit drug use, and a summary of ISU prevention and education efforts.

ISU Human Resources completed annual notification to all employees and students to ensure that all members of the campus community receive timely and complete information about ISU's Drug and Alcohol Abuse Prevention Program. The Annual Notice may now be found at <https://www.indstate.edu/daapp>. This webpage contains possible legal ramifications of drug and alcohol abuse for employees and students.

Employee Policies

The use of drugs and alcohol in the workplace is contrary to the goals and objectives of ISU. ISU has developed specific policies to maintain a safe and drug-free work environment, while also providing prevention programs and information for employees.

ISU's Drug-Free Workplace Policy prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or alcohol in any part of the University or at any University activity. The goals of the Drug Free Workplace Policy are to create a safer environment for students, faculty, staff and campus visitors and to educate ISU employees about:

- a. the symptoms and health risks of dependency on drugs and alcohol,
- b. the assistance available to ISU employees for dependency-related problems,
- c. the disciplinary sanctions associated conduct and consequences of engaging in prohibited conduct on campus,

- d. ISU's inspection and testing policy when an individual exhibits symptoms of drug or alcohol use on campus.

Some positions require drug screenings prior to work on campus. Examples of such positions include ISU Police Officers and individuals in positions that required a Commercial Driver's License. ISU has also developed procedures for evaluation and resolution of suspected violations of the Drug Free Workplace Policy, which include workplace inspections and controlled substance and alcohol testing. A determination that an employee violated ISU policies will result in sanctions or disciplinary outcomes that may include a) required participation in an approved drug abuse assistance or rehabilitation program, b) reprimand, c) suspension, d) termination of employment.

All employees (faculty, staff and student) are required to acknowledge and agree to the Drug Free Workplace Policy acknowledgement as a condition of employment. Full-time employees receive additional information via New Employee / New Faculty Orientation.

Employees are encouraged to use the Employee Assistance Program (EAP) to address issues of addiction to drugs or alcohol. Participation in EAP allows employees to participate in six (6) free counseling sessions at the ISU Psychology Clinic or other approved local provider. Employee use of EAP is kept private from supervisors and other ISU staff. In addition, ISU employees are entitled to time off as required by the Family and Medical Leave Act and may seek permission to take an unpaid personal leave of absence for up to 90 days to address issues of addiction.

Student Disciplinary Process and Policies

In addition to prevention and education efforts, ISU also has policies in place to ensure a safe environment for students. ISU's Office of Student Support & Accountability makes determinations about violations of ISU policy and ensures consistent application of the sanctions against ISU students. In May 2014, the ISU Board of Trustees approved a revised Code of Student Conduct. One of the primary sections modified was that related to Drug- and Alcohol-Related Behaviors. The purpose of the change was to provide more clarity to students by giving specific definition to prohibited behaviors. In addition, the new policy provides additional reporting information that will assist in addressing particular behaviors.

Parental Notification

ISU has taken steps to notify parents or guardians about violations of campus AOD policies, in accordance with the 1998 amendments to the Family Educational Rights and Privacy Act (FERPA). The purpose and goal of this practice is to expand the partnership with parents/guardians in encouraging students to make reasonable, responsible, and healthy decisions about AODs. There is a strong association between declining academic performance and the illegal/abusive use of AODs by our students. By notifying parents/guardians of violations of this nature, ISU will have the opportunity to work together with parents/guardians to aid in the academic success and healthy social integration of our students.

If a student under the age of 21 is found responsible for violating 3.3 Drug Related Behavior and/or 3.3.4 Alcohol Related Behavior of the Code of Student Conduct, the Office of Student Support & Accountability will notify the student's parents/guardians in writing. Written notifications will not include specific details of the incident(s), circumstances surrounding the violation(s), or any specifics of the case. If parents/guardians are interested in receiving more

information regarding the incident, they are encouraged to discuss the case with their student. If questions remain, parents/guardians are encouraged to contact The Office of Student Support & Accountability.

An integral part of the conduct adjudication process will be the discussion concerning notification of the parents/ guardians. Consideration will be given to situations where notification may be detrimental to the student or family. When there is reason to believe that a student's health and well-being are at risk or they have placed other members of the community at risk, the Dean of Students or his/her designee may contact the parents/guardians directly.

Relevant Excerpts from the Code of Student Conduct

3.3.3 Drug Related Behavior refers to drug violations, including, but is not limited to being in the presence of, under the influence of, possessing, manufacturing, exchanging, distributing, purchasing, using, or selling unlawful drugs or any controlled substance/narcotic, such as, but not limited to, marijuana, synthetic cannabinoids, inhalants and intoxicants, misuse of over-the-counter drugs and/or prescription drugs, or possessing paraphernalia for drug related use on University premises.

3.3.3a In the Presence of/Failure to Report

3.3.3b Possession of unlawful drug or controlled substance(s)

3.3.3c Possession of drug paraphernalia

3.3.3d Use of unlawful drug or controlled substance(s)

3.3.3e Purchase of unlawful drug or controlled substance(s)

3.3.3f Misuse of over-the-counter drugs or prescription drugs

3.3.3g Manufacture of unlawful drug or controlled substance(s)

3.3.3h Distribution and/or sale and/or delivery of unlawful drug or controlled substance(s)

3.3.3i Reasonable suspicion of unlawful drug use (odor); and/or

3.3.3j Behavior while under the influence of any item covered under this section.

3.3.4 Alcohol Related Behavior refers to any violation of the University Alcoholic Beverage Policy:

3.3.4a Sale, purchase, consumption, or possession of alcoholic beverages by persons who are younger than 21 years of age

3.3.4b Sale, purchase, consumption, or possession of alcoholic beverages by persons of legal age in a manner inconsistent with University policy

3.3.4c Furnishing alcoholic beverages to persons younger than 21 years of age; and/or

3.3.4d Behavior while under the influence of an alcoholic beverage.

1.8 Good Neighbor Exemption

Students are encouraged to call 911 (or X5555 on campus) for emergency assistance as needed, even at the risk of disciplinary action for one's own conduct. The Good Neighbor Exemption provides students the opportunity of an exclusion from University disciplinary action if a student risked revealing one's own violation of the Code of Student Conduct in order to seek medical or other emergency assistance for another person in distress. The decision to provide the exception shall be at the discretion of the designated hearing officer. The Good Neighbor Exemption does not apply to any criminal charges that may be incurred as a result of an offense.

1.9 Medical Amnesty

In 2013, the Indiana State University Student Government Association took the lead in creating a student approved response to the 2012 Indiana Lifeline Law (IC7.1-5-1-6.5). In summary of the Indiana State University Medical Amnesty, a student who seeks assistance for another and the student in need of medical assistance may be exempt from a University conduct process on the following conditions: 1) the student cooperates and provides detailed information regarding the incident and 2) the student successfully completes an alcohol education/ awareness program. Repeat offenders are likely not eligible for this exemption. This exemption does not apply to any criminal charges that may be incurred as a result of an offense.

ISU Alcohol Health Procedures: Alcohol Safety and Assistance Program

The utmost concern of Indiana State University is the care and well-being of our student body. Alcohol- related illness poses significant dangers to students. The university community understands that the risk of university discipline can deter a student from making the call that could save the life of someone who has consumed too much alcohol. In alcohol related emergencies, ISU ASAP seeks to mitigate deterring consequences for the intoxicated student as well as the student seeking medical attention on behalf of the intoxicated student. The purpose of ISU ASAP is not to exonerate students from disciplinary action; rather the ISU ASAP favors educationally- based, reformation-minded University responses to these frightening incidents. The proposed procedure will foster a culture in which individuals feel comfortable calling for help on behalf of those in need of assistance, thereby saving lives.

Any student who requires medical assistance due to an alcohol-related illness may be exempt from university disciplinary sanctions when all of the following has taken place:

- a. The proper authorities are notified;
- b. The student completely cooperates with all authorities involved and provides all requested information, i.e. the provider of alcohol, the person/organization that owns the property where the incident occurred, etc.; and
- c. After the offense, the student remains compliant with the prescribed Alcohol Education and Assessment Initiative issued by the Office of Student Support & Accountability.

One (1) student who assists the ill individual may be exempt from university disciplinary sanctions related to this incident when all of the following has taken place:

- a. The proper authorities are notified;
- b. The student completely cooperates with all authorities involved and provides all requested information; and
- c. The student remains with the ill individual until the authorities arrive at the scene.

The decision to provide the exception from university disciplinary sanctions shall be the judgment of the Office of Student Support & Accountability. NOTE: The exception does not apply to any criminal charges that might be incurred as a result of an offense and vice versa, a student may still be exempt through the University process, even if criminal charges are pursued by legal channels. Repeat offenses may not receive the immunity that this procedure offers.

During the 2021-2022 academic year, Indiana State University partnered with the Jed Foundation to become a JED Campus. The JED Campus initiative goal is to strengthen mental health and suicide prevention efforts at Indiana State University. The JED Campus Program has a comprehensive approach to support mental health, including enhancing protective/preventive factors and resilience, increasing access and availability to clinical services, and being proactive with early intervention services that identify those at risk and increase help seeking behaviors.

One of the guiding principles of the JED Campus Program is the emotional well-being and prevention of substance misuse and abuse must be seen as a campus-wide responsibility. While Health and Counseling offices have an important role to play, it is the responsibility of everyone on campus to promote and protect the mental health of the student body; thus, Indiana State University formed a Campus Taskforce comprised of faculty, staff, senior administrators, and students which makes prevention of mental health challenges and substance use a priority for the entire campus community.

Program Strengths and Weaknesses

The 2021-2022 academic year with the JED Campus Program consisted of a thorough assessment of existing programs and services. The complete JED Feedback Report can be found in Appendix B. The campus task force completed the JED Campus baseline assessment to evaluate existing programs, policies, systems, and services based on JED's Comprehensive Approach. During Spring 2022, Indiana State University implemented the Healthy Minds Study to assess students' knowledge, attitudes, and behavior regarding substance use and JED campus experts conducted a site visit September 2022. These data points provided the Jed Foundation to develop a comprehensive feedback report outlining areas of strength and opportunities for enhancement and growth.

Notable Strengths

- Substance Use Policies
 - We have clear policies on substance misuse, inclusive of illicit/illegal drug use and prescription drug misuse, that are easily accessible to campus stakeholders
- Overdose Protocol
 - Indiana State University has a protocol in place for following up with students who have experienced an overdose or who are transported to the emergency room for alcohol poisoning
- Naloxone Availability
 - Naloxone is available to public safety in the event of an overdose
- Protocol for Students of Concern
 - ISU has a formalized protocol, Sycamore Cares, for when a student has been identified as being in distress or needing outreach due to a potential mental health and/or substance misuse issue
- Screening Tools
 - We host screening tools (U Lifeline and others) on university wellness hubs, including counseling and other department pages, so that students can learn more about potential struggles with mental health and/or substance use
- Mental Health Training

- We estimate about 25% of faculty participated in a mental health training to identify, reach out to, and provide resources to other students who may be struggling
- Multicultural Competence
 - Because students come from an array of identities and backgrounds, their needs for support can vary. We provide ongoing training to the campus community on multicultural competence and working with a diverse student body

Areas for Consideration

- Health Services Screening
 - Our health services screens for mental health/substance use when clinically indicated. JED encourages ISU to consider finding ways to incorporate screens routinely in these visits.
- Health History Form
 - JED recommends that we collect a Health History Form from incoming students, including questions related to mental health and substance use history, which can enable our campus to take proactive steps to provide resources to at-risk students as they enter campus.
- Programming for Emotional Health/Substance Use
 - JED Recommendation: develop a strategic plan for emotional health and substance use programming
- Recovery Program
 - JED recommends a recovery program for students that are sober or working on recovery from substance use
- Drug Collection Programs
 - ISU can implement drug collection programs that are well publicized and regularly run either on campus or via partnerships with local pharmacies

Goals and Recommendations for 2023-2024

Looking ahead it is evident that the dynamic nature of education requires us to continually evolve and innovate. We must remain committed to inclusivity, diversity, and equity in all our endeavors, ensuring that every member of our campus community has the opportunity to thrive. We must also remain responsive to the changing needs of our students and broader society, aligning our substance use prevention programs and initiatives accordingly.

This review has provided Indiana State University with valuable insights into the multifaceted aspects of our institution, highlighting both our successes and areas that require continued attention and improvement for alcohol and other drugs. The following recommendations emerge from the biennial review, providing a strategic pathway to enhance our institution's growth, resilience, and impact in the years ahead.

1. Screening Opportunities

- a. Implement screening/wellness days focused on substance use and common mental health issues at least once a semester
 - b. Implement standardized screenings for substance use/misuse and common mental health problems by Student Health Center clinicians at primary care visits
2. Mental Health Training
- a. Expand mental health training program for relevant campus faculty and staff in identifying, reaching out to, and referring students who may be struggling
 - b. Train students to identify, reach out to, and refer their friends/peers who may be struggling with mental health or substance issues
 - c. Educate families of incoming students regarding mental health and substance use resources on campus
3. Substance Misuse Support
- a. Establish recovery community and/or support programs on campus
 - b. Implement messaging campaigns designed to educate students about the risks and consequences of substance use/misuse
4. Promote Means Safety
- a. Implement drug collection/drug return programs for prescription medications on campus.

Appendix A: 2021 ICSUS Report



2021 ICSUS Report_ ISU.pdf

Appendix B: 2022 JED Feedback Report



Indiana State Feedback Report 2022.pdf

Appendix C: Laws Related to Alcohol and Drug Use - Indiana Criminal Code

IC 7.1 TITLE 7.1. ALCOHOL AND TOBACCO

- Art. 1. GENERAL PROVISIONS
- Art. 2. ALCOHOL AND TOBACCO COMMISSION AND ADMINISTRATION
- Art. 3. PERMITS
- Art. 4. REVENUE AND TAXES
- Art. 5. CRIMES AND INFRACTIONS
- Art. 6. YOUTH TOBACCO SALES AND ENFORCEMENT
- Art. 7. VAPOR PENS AND E-LIQUID

IC 7.1-1 ARTICLE 1. GENERAL PROVISIONS

- Ch. 1. General Purposes of Title
- Ch. 2. Construction and Scope of Title
- Ch. 3. Definitions of General Applicability

IC 7.1-1-1 Chapter 1. General Purposes of Title

- 7.1-1-1-1 General purposes
- 7.1-1-1-11.5 Repealed

IC 7.1-1-1-1 General purposes

Sec. 1. The following are the general purposes of this title:

- (1) To protect the economic welfare, health, peace, and morals of the people of this state.
- (2) To regulate and limit the manufacture, sale, possession, and use of alcohol and alcoholic beverages.
- (3) To regulate the sale, possession, and distribution of tobacco products.
- (4) To provide for the raising of revenue.

[Pre-1973 Recodification Citations: 7-1-1-1; 7-1-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.250-2003, SEC.1.

IC 7.1-1-1-11.5 Repealed

As added by P.L.24-1991, SEC.3. Repealed by P.L.1-1992, SEC.26.

IC 7.1-1-2 Chapter 2. Construction and Scope of Title

- 7.1-1-2-0.1 Repealed
- 7.1-1-2-1 Construction
- 7.1-1-2-2 Scope
- 7.1-1-2-3 Exceptions
- 7.1-1-2-4 Gender and number
- 7.1-1-2-5 Direct and indirect prohibition
- 7.1-1-2-6 Repealed
- 7.1-1-2-13 Repealed

IC 7.1-1-2-0.1 Repealed

As added by P.L.220-2011, SEC.169. Repealed by P.L.63-2012, SEC.7.

IC 7.1-1-2-1 Construction

Sec. 1. Construction. This title is an exercise of the police powers of the state. The classifications and differentiations made in this title are real and are actually and substantially related to the accomplishment of the purposes of this title. The provisions of this title shall be liberally construed so as to effectuate the purposes of this title.

[Pre-1973 Recodification Citation: 7-1-1-1.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-2-2 Scope

Sec. 2. Except as provided in IC 7.1-5-1-3, IC 7.1-5-1-6, IC 7.1-5-7, and IC 7.1-5-8, this title applies to the following:

- (1) The commercial manufacturing, bottling, selling, bartering, importing, transporting, delivering, furnishing, or possessing of alcohol, alcoholic beverages, industrial alcohol, malt, malt syrup, malt extract, liquid malt or wort.
- (2) The sale, possession, use, and distribution of tobacco products.

[Pre-1973 Recodification Citation: 7-1-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.213-2001, SEC.1; P.L.250-2003, SEC.2; P.L.141-2012, SEC.1; P.L.159-2014, SEC.1.

IC 7.1-1-2-3 Exceptions

Sec. 3. (a) The provisions of this title shall not prohibit the following:

- (1) The manufacture, sale, possession, transportation, or use of vinegar.
- (2) The sale or transportation of sacramental wine to a minister, priest, or rabbi for a religious purpose.
- (3) The manufacture, purchase, possession, transportation, or distribution of sacramental wine for a religious purpose by a minister, priest, or rabbi.
- (4) The manufacture of wine or beer that is not offered for sale and is used only for the following purposes:
 - (A) Personal or family use.
 - (B) Use in the residence of the person who manufactures the wine or beer.
 - (C) Use at organized affairs or exhibitions.
 - (D) Technical or sensory evaluations.
 - (E) Wine or beer educational seminars.
 - (F) Wine or beer competitions, including contests, tastings, or judgments.
- (5) The manufacture, sale, possession, transportation, or use of industrial alcohol.
- (6) Alcoholic beverages held, served, or consumed on airline flights.

(b) The transportation and the possession of alcoholic beverages described in subsection (a)(4) shall not be prohibited but shall be subject to the applicable provisions of this title.

(c) The manufacture, sale, possession, transportation, or use of alcohol or alcoholic beverages, or a preparation containing alcohol for a medicinal, scientific, or mechanical purpose, shall not be prohibited but shall be controlled, regulated, and confined to permittees as provided in this title.

[Pre-1973 Recodification Citation: 7-1-1-4.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1978, P.L.51, SEC.1; P.L.177-1999, SEC.3.

IC 7.1-1-2-4 Gender and number

Sec. 4. Gender and Number. For purposes of this title, the masculine gender includes the feminine and where appropriate, the singular number includes the plural.

[1973 Recodification Citation: New.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-2-5 Direct and indirect prohibition

Sec. 5. Direct and Indirect Prohibition. For the purposes of this title, whenever a person is prohibited from doing a certain act or holding a certain interest directly, he shall be prohibited also from doing that act or holding that interest indirectly.

[1973 Recodification Citation: New.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-2-6 Repealed

[1973 Recodification Citation: New.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1976, P.L.24, SEC.5; Acts 1982, P.L.69, SEC.1.

Repealed by P.L.1-1988, SEC.10.

IC 7.1-1-2-13 Repealed

As added by P.L.104-1995, SEC.1. Amended by P.L.70-1996, SEC.1. Repealed by P.L.1-1999, SEC.18.

IC 7.1-1-3 Chapter 3. Definitions of General Applicability

7.1-1-3-1 Generally

7.1-1-3-2 "Accommodations"
7.1-1-3-3 "Adulterated alcoholic beverage"
7.1-1-3-3.5 "Advertising specialty"
7.1-1-3-4 "Alcohol"
7.1-1-3-5 "Alcoholic beverage"
7.1-1-3-5.5 "Applicant"
7.1-1-3-6 "Beer"
7.1-1-3-7 "Bona fide evidence of majority or identity"
7.1-1-3-8 "Carrier"
7.1-1-3-8.5 "Certificate"
7.1-1-3-9 "Chairman"
7.1-1-3-9.5 "Hard cider"
7.1-1-3-10 "Club"
7.1-1-3-11 "Commercially"
7.1-1-3-12 "Commission"
7.1-1-3-12.5 "Consumer advertising specialty"
7.1-1-3-13 "Container"
7.1-1-3-13.5 "Conviction for operating while intoxicated"
7.1-1-3-14 "Denatured alcohol"
7.1-1-3-14.5 "Department"
7.1-1-3-15 "Drug store"
7.1-1-3-15.5 "Electronic cigarette"
7.1-1-3-16 "Enforcement officer"
7.1-1-3-16.4 "Entertainment"
7.1-1-3-16.5 "Entertainment complex"
7.1-1-3-16.6 "Farm winery"
7.1-1-3-16.7 "Flavored malt beverage"
7.1-1-3-17 "Fraternal club"
7.1-1-3-18 "Gallon"
7.1-1-3-18.3 "Gift"
7.1-1-3-18.5 "Grocery store"
7.1-1-3-19 "Hotel"
7.1-1-3-19.5 "Internet company"
7.1-1-3-19.6 "Jumbo boat"
7.1-1-3-19.7 "Law enforcement officer"
7.1-1-3-20 "Licensed premises"
7.1-1-3-20.5 "Limited liability company"
7.1-1-3-20.7 "Limited partnership"
7.1-1-3-21 "Liquor"
7.1-1-3-22 "Local board"
7.1-1-3-23 "Malt articles"
7.1-1-3-24 "Member of a club"
7.1-1-3-25 "Minor"
7.1-1-3-26 "Misbranded alcoholic beverage"
7.1-1-3-26.3 "Motor vehicle"
7.1-1-3-26.5 "Nonalcoholic malt beverage"
7.1-1-3-27 "One-way permit"
7.1-1-3-28 "Package liquor store"
7.1-1-3-28.5 "Partnership"
7.1-1-3-29 "Permit"
7.1-1-3-30 "Permittee"
7.1-1-3-31 "Person"
7.1-1-3-32 "Pint"
7.1-1-3-32.3 "Powdered or crystalline alcohol"
7.1-1-3-32.5 "Primary source of supply"
7.1-1-3-32.7 "Professional and educational expenses"
7.1-1-3-33 "Public nuisance"
7.1-1-3-34 "Quart"
7.1-1-3-35 "Rectifier"
7.1-1-3-36 "Rectify"
7.1-1-3-37 "Residence"
7.1-1-3-38 "Residential district"
7.1-1-3-39 "Resort hotel"
7.1-1-3-40 "Restaurant"
7.1-1-3-41 "Salesman"
7.1-1-3-42 "Service bar"
7.1-1-3-43 "Setup"
7.1-1-3-44 "Repealed"
7.1-1-3-45 "Special disqualifications"
7.1-1-3-46 "Table wine"
7.1-1-3-47 "Three-way permit"
7.1-1-3-47.5 "Tobacco product"
7.1-1-3-48 "Two-way permit"
7.1-1-3-49 "Wine"

IC 7.1-1-3-1 Generally

Sec. 1. Generally. The definitions contained in this chapter shall be applied throughout this title unless the context clearly requires otherwise.

[1973 Recodification Citation: New.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-2 "Accommodations"

Sec. 2. Accommodations. The term "accommodations" means the seating capacity for the serving of food in a room in which alcoholic beverages are sold. It does not mean any accommodation or seating capacity in the sleeping quarters in a hotel

[Pre-1973 Recodification Citation: 7-1-1-11.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-3 "Adulterated alcoholic beverage"

Sec. 3. Adulterated Alcoholic Beverage. The term "adulterated alcoholic beverage" means:

- (a) An alcoholic beverage that contains an ingredient prohibited by law or by a rule or regulation of the commission;
- (b) An alcoholic beverage possessed, kept or offered for sale, or sold, which does not correspond substantially to the analysis, brand, or formula which has been registered with the commission; or,
- (c) An alcoholic beverage whose analysis or formula is required to be registered with the commission and is not registered.

[Pre-1973 Recodification Citations: 7-1-1-5(13); 7-1-1-33(b).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-3.5"Advertising specialty"

Sec. 3.5. "Advertising specialty" means an item having a fair market value of:

- (1) not more than one thousand dollars (\$1,000); or
- (2) more than one thousand dollars (\$1,000) with the prior written approval of the commission;

that is designed to be used within a retailer or dealer establishment to attract consumer attention to the products of a manufacturer. The term includes items such as posters, placards, designs, inside signs (electric, mechanical, or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars, and alcoholic beverage lists or menus. An advertising specialty must bear conspicuous and substantial advertising matter about the product or the manufacturer or wholesaler that is permanently inscribed or securely affixed.

As added by P.L.270-2017, SEC.1.

IC 7.1-1-3-4"Alcohol"

Sec. 4. Alcohol. The term "alcohol" means the compound C₂H₅OH, known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

[Pre-1973 Recodification Citation: 7-1-1-3(f).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-5"Alcoholic beverage"

Sec. 5. The term "alcoholic beverage" means a liquid or solid that:

- (1) is, or contains, one-half percent (0.5%) or more alcohol by volume;
- (2) is fit for human consumption; and
- (3) is reasonably likely, or intended, to be used as a beverage.

[Pre-1973 Recodification Citations: 7-1-1-3(a); 7-1-1-3(e).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.78-1986, SEC.1.

IC 7.1-1-3-5.5"Applicant"

Sec. 5.5. (a) "Applicant", for purposes of IC 7.1-3-18.5, means a person who applies for a tobacco sales certificate.

(b) "Applicant", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-2. *As added by P.L.94-2008, SEC.2. Amended by P.L.176-2015, SEC.1.*

IC 7.1-1-3-6"Beer"

Sec. 6. The term "beer" means an alcoholic beverage obtained by the fermentation of:

- (1) an infusion or decoction of:
 - (A) barley malt or other cereal; and
 - (B) hops;in water; or
- (2) cereal byproducts.

[Pre-1973 Recodification Citation: 7-1-1-3(b).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.194-2021, SEC.12.

IC 7.1-1-3-7"Bona fide evidence of majority or identity"

Sec. 7. Bona Fide Evidence of Majority or Identity. The term "bona fide evidence of majority or identity" means a document, including, but not limited to, a license or permit to operate a motor vehicle, a Selective Service registration certificate, or an United States Armed Forces identification card, but excluding a voter's registration card, issued by the federal or state governments or one (1) of their political subdivisions.

[Pre-1973 Recodification Citation: 7-5-2-3(b).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-8"Carrier"

Sec. 8. Carrier. The term "carrier" means:

- (a) A common carrier, whether licensed under the laws of this state or not;
- (b) A person as a proprietor who operates a transportation facility when regularly or casually operating intrastate state or from another state into this state; or,
- (c) A person who carries alcoholic beverages for hire or as a free accommodation for a consignor or consignee and who has no permit under this title authorizing him to sell, furnish, give away, manufacture, or rectify alcoholic beverages.

[Pre-1973 Recodification Citation: 7-1-1-30.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-8.5"Certificate"

Sec. 8.5. "Certificate" means a tobacco sales certificate for purposes of IC 7.1-3-18.5. *As added by P.L.250-2003, SEC.3.*

IC 7.1-1-3-9"Chairman"

Sec. 9. The term "chairman" means the presiding officer of the commission who is appointed by the governor pursuant to IC 7.1-2-1-5.

[Pre-1973 Recodification Citation: 7-1-1-3(k).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.83.

IC 7.1-1-3-9.5"Hard cider"

Sec. 9.5. The term "hard cider" means an alcoholic beverage that:

- (1) is made from the normal alcoholic fermentation of the juice of sound, ripe apples; and
- (2) contains at least one-half of one percent (0.5%) of alcohol by volume and not more than seven percent (7%) of alcohol by volume.

The term includes flavored, sparkling, or carbonated cider and cider made from condensed apple. *As added by P.L.119-1998, SEC.21.*

IC 7.1-1-3-10"Club"

Sec. 10. The term "club" means an association or corporation which meets the requirements provided in IC 7.1-3-20-1.

[Pre-1973 Recodification Citation: 7-1-1-3(c).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.84.

IC 7.1-1-3-11"Commercially"

Sec. 11. Commercially. The term "commercially" means the manufacturing, bottling, selling, bartering, transporting, delivering, furnishing, or possessing of alcohol or alcoholic beverages elsewhere than in one's own residence.

[Pre-1973 Recodification Citation: 7-1-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-12"Commission"

Sec. 12. The term "commission" means the alcohol and tobacco commission created by this title.

[Pre-1973 Recodification Citations: 7-1-1-3(d); 7-1-3-2; 7-2-1-5.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.204-2001, SEC.15.

IC 7.1-1-3-12.5"Consumer advertising specialty"

Sec. 12.5. "Consumer advertising specialty" means an item having a fair market value of:

(1) not more than three hundred dollars (\$300); or

(2) more than three hundred dollars (\$300) with the prior written approval of the commission;

that is designed to be carried away from the retailer or dealer establishment by the consumer. The term includes items such as trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps, and visors. A consumer advertising specialty must bear conspicuous and substantial advertising matter about the product or the manufacturer or wholesaler that is permanently inscribed or securely affixed.

As added by P.L.270-2017, SEC.2.

IC 7.1-1-3-13"Container"

Sec. 13. (a) "Container", except as provided in subsection (b), means a receptacle in which an alcoholic beverage is immediately contained and with which the alcoholic beverage contained in it is in immediate contact.

(b) "Container", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-5.

[Pre-1973 Recodification Citation: 7-1-1-33(g).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.176-2015, SEC.2.

IC 7.1-1-3-13.5"Conviction for operating while intoxicated"

Sec. 13.5. "Conviction for operating while intoxicated" means a conviction (as defined in IC 9-13-2-38) for a crime under IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6, or IC 14-15-8 (before its repeal).

As added by P.L.204-2001, SEC.16. Amended by P.L.40-2012, SEC.1; P.L.196-2015, SEC.1; P.L.142-2020, SEC.6.

IC 7.1-1-3-14"Denatured alcohol"

Sec. 14. Denatured Alcohol. The term "denatured alcohol" means alcohol to which has been added a substance or ingredient for the purpose of producing a compound or mixture which is unlikely to be used as a beverage and which is unfit for human consumption. Denatured alcohol is to be considered a form of industrial alcohol.

[Pre-1973 Recodification Citation: 7-1-1-3(g).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.2-1995, SEC.37.

IC 7.1-1-3-14.5"Department"

Sec. 14.5. (a) "Department", except as provided in subsection (b), means the Indiana Department of State Revenue.

(b) "Department", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-7. *Formerly: Acts 1973, P.L.56, SEC.1. As amended by P.L.176-2015, SEC.3.*

IC 7.1-1-3-15"Drug store"

Sec. 15. Drug Store. The term "drug store" means a retail business establishment in which medicines and miscellaneous articles are sold.

[Pre-1973 Recodification Citation: 7-1-1-20.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-15.5"Electronic cigarette"

Sec. 15.5. "Electronic cigarette", has the meaning set forth in IC 35-46-1-1.5. *As added by P.L.20-2013, SEC.1. Amended by P.L.176-2015, SEC.4; P.L.206-2017, SEC.1.*

IC 7.1-1-3-16"Enforcement officer"

Sec. 16. The term "enforcement officer" means a person employed by the commission to perform duties pursuant to IC 7.1-2.

[Pre-1973 Recodification Citation: 7-2-1-3(a).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.85.

IC 7.1-1-3-16.4"Entertainment"

Sec. 16.4. "Entertainment", for purposes of IC 7.1-5-5, means one (1) or more of the following:

- (1) Participation in a sporting event.
- (2) Attendance at a sporting event or an event featuring live performances.
- (3) Meals.
- (4) Beverages.
- (5) Ground transportation provided in connection with an activity described in subdivisions (1) through (4). *As added by P.L.270-2017, SEC.3. Amended by P.L.216-2019, SEC.1.*

IC 7.1-1-3-16.5"Entertainment complex"

Sec. 16.5. The term "entertainment complex" means a premises that complies with one (1) or more of the following requirements:

- (1) The premises:
 - (A) is a site for the performance of musical, theatrical, or other entertainment; and
 - (B) includes an area where at least six hundred (600) individuals may be seated at one (1) time in permanent seating.
- (2) The premises:
 - (A) is located entirely within a four (4) mile radius of the center of a consolidated city;
 - (B) is used by a nonprofit organization primarily as a fine arts theater or for the professional performance of musical or theatrical entertainment; and
 - (C) has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals. *As added by P.L.71-1996, SEC.1. Amended by P.L.216-2019, SEC.2; P.L.285-2019, SEC.3; P.L.194-2021, SEC.13.*

IC 7.1-1-3-16.6"Farm winery"

Sec. 16.6. The term "farm winery" means a commercial winemaking establishment that produces wine and meets the requirements of IC 7.1-3-12-4.

As added by P.L.32-2021, SEC.14.

IC 7.1-1-3-16.7"Flavored malt beverage"

Sec. 16.7. The term "flavored malt beverage" means an alcoholic beverage that has all of the following attributes:

- (1) The alcoholic beverage is made from a malt beverage base that is flavored with aromatic essences or other flavorings in quantities and proportions that result in a product that possesses a character and flavor distinctive from the malt beverage base and is distinguishable from other malt beverages.

(2) The label, packaging, container, and any advertising or depiction of the alcoholic beverage disseminated, broadcast, or available in Indiana do not contain any of the following words, or a derivative, version, or non-English translation of the following words:

- (A) Beer.
- (B) Lager.
- (C) Pilsner.
- (D) Stout.
- (E) Porter.
- (F) Ale.
- (G) Cider.
- (H) Framboise.
- (I) Lambic.
- (J) Draft.
- (K) Liquor.
- (L) Bitter.
- (M) Brew.

However, the label and packaging may contain in only one (1) location the words "flavored beer" placed adjacent to each other in type not to exceed two (2) millimeters in height.

(3) The alcoholic beverage creates no foam that gives the appearance of beer when the alcoholic beverage is poured from its container.

As added by P.L.72-1996, SEC.1. Amended by P.L.194-2021, SEC.14.

IC 7.1-1-3-17" Fraternal club"

Sec. 17. The term "fraternal club" means an association or corporation which meets the requirements provided in IC 7.1-3.

[Pre-1973 Recodification Citation: 7-1-1-3(c).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.86.

IC 7.1-1-3-18"Gallon"

Sec. 18. Gallon. The term "gallon" means a liquid measure containing two hundred thirty-one (231) cubic inches.

[Pre-1973 Recodification Citation: 7-1-1-41(e).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-18.3"Gift"

Sec. 18.3. "Gift", for purposes of IC 7.1-5-5, means anything of value, including a rebate, sum of money, accessory, furniture, fixture, loan of money, concession, privilege, use, title, interest, or lease, rehabilitation, decoration, improvement, or repair of premises.

As added by P.L.270-2017, SEC.4.

IC 7.1-1-3-18.5"Grocery store"

Sec. 18.5. (a) "Grocery store" means a store or part of a store that is known generally as:

(1) a supermarket, grocery store, or delicatessen and is primarily engaged in the retail sale of a general food line, which may include:

- (A) canned and frozen foods;
- (B) fresh fruits and vegetables; and
- (C) fresh and prepared meats, fish, and poultry;

(2) subject to subsection (b), a convenience store or food mart and is primarily engaged in:

- (A) the retail sale of a line of goods that may include milk, bread, soda, and snacks; or
- (B) the retail sale of automotive fuels and the retail sale of a line of goods that may include milk, bread, soda, and snacks;

(3) a warehouse club, superstore, supercenter, or general merchandise store and is primarily engaged in the retail sale of a general line of groceries or gourmet foods in combination with general lines of new merchandise, which may include apparel, furniture, and appliances; or

(4) a specialty or gourmet food store primarily engaged in the retail sale of miscellaneous specialty foods not for immediate consumption and not made on the premises, not including:

- (A) meat, fish, and seafood;
- (B) fruits and vegetables;
- (C) confections, nuts, and popcorn; and
- (D) baked goods.

(b) The term includes a convenience store or food mart as described in subsection (a)(2) only if the sale of alcoholic beverages on the premises of the convenient store or food mart represents a percentage of annual gross sales of twenty-five percent (25%) or less of all items sold on the premises, excluding gasoline and automotive oil products.

(c) The term does not include an establishment known generally as a gas station that is primarily engaged in:

- (1) the retail sale of automotive fuels, which may include diesel fuel, gasohol, or gasoline; or
- (2) the retail sale of automotive fuels, which may include diesel fuel, gasohol, or gasoline and activities that may include providing repair service, selling automotive oils, replacement parts, and accessories, or providing food services.

As added by P.L.94-2008, SEC.3.

IC 7.1-1-3-19"Hotel"

Sec. 19. The term "hotel" means an establishment which meets the requirements provided in IC 7.1-3-20-18.

[Pre-1973 Recodification Citation: 7-1-1-3(n).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.79-1986, SEC.1.

IC 7.1-1-3-19.5"Internet company"

Sec. 19.5. "Internet company" means a person that:

- (1) has the permits required under this title for the person to conduct business in Indiana;
- (2) does business in more than one (1) state or country; and
- (3) solicits orders for the sale of alcoholic beverages to a person in Indiana through

the Internet. *As added by P.L.204-2001, SEC.17.*

IC 7.1-1-3-19.6"Jumbo boat"

Sec. 19.6. The term "jumbo boat" means a vessel having a length of at least one hundred thirty-five (135) feet and a width of at least thirty-five (35) feet. The term does not include a riverboat (as defined in IC 4-33-2-17). *As added by P.L.285-2019, SEC.4. Amended by P.L.194-2021, SEC.15.*

IC 7.1-1-3-19.7"Law enforcement officer"

Sec. 19.7. "Law enforcement officer", for purposes of IC 7.1-5-1-6.5, has the meaning set forth in IC 35-31.5-2-185.

As added by P.L.93-2012, SEC.1. Amended by P.L.114-2012, SEC.15.

IC 7.1-1-3-20"Licensed premises"

Sec. 20. Licensed Premises. The term "licensed premises" means a building, or part of a building, in which alcoholic beverages are authorized by a permit to be kept, manufactured, or sold. The term does not mean the residential portion of a building in which alcoholic beverages are not kept, manufactured, sold, furnished, or given away under the permit, nor does it mean a separate room furnished a guest as sleeping quarters in a club or hotel.

[Pre-1973 Recodification Citation: 7-2-1-7.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-20.5"Limited liability company"

Sec. 20.5. The term "limited liability company" has the meaning set forth in IC 23-18-1-11.

As added by P.L.51-1994, SEC.1.

IC 7.1-1-3-20.7"Limited partnership"

Sec. 20.7. The term "limited partnership" has the meaning set forth in IC 23-16-1-9.

As added by P.L.105-1995, SEC.1.

IC 7.1-1-3-21 "Liquor"

Sec. 21. Liquor. The term "liquor" means an alcoholic beverage containing alcohol obtained by distillation. The term also means a wine that contains twenty-one per cent (21%), or more, of alcohol reckoned by volume. However, the term does not include industrial alcohol.

[Pre-1973 Recodification Citation: 7-1-1-3(o).]

Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.2.

IC 7.1-1-3-22 "Local board"

Sec. 22. The term "local board" means a local alcoholic beverage board of a county created pursuant to the provisions of IC 7.1-2-4.

[Pre-1973 Recodification Citation: 7-1-1-5 (cl. 19).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.87.

IC 7.1-1-3-23 "Malt articles"

Sec. 23. Malt Articles. The term "malt articles" means malt, malt syrup, malt extract, liquid malt, or wort, and their containers.

[Pre-1973 Recodification Citation: 7-1-1-3(q).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-24 "Member of a club"

Sec. 24. The term "member of a club" means a person who meets the requirements provided in IC 7.1-3-20-6.

[Pre-1973 Recodification Citation: 7-1-1-3(h).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.88.

IC 7.1-1-3-25 "Minor"

Sec. 25. "Minor" means a person less than twenty-one (21) years of age.

[1973 Recodification Citation: New.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.176-2015, SEC.5; P.L.49-2020, SEC.1.

IC 7.1-1-3-26 "Misbranded alcoholic beverage"

Sec. 26. Misbranded Alcoholic Beverage. The term "misbranded alcoholic beverage" means:

- (a) An alcoholic beverage that is not plainly labeled, marked, or otherwise designated in compliance with the rules and regulations of the commission; or,
- (b) An alcoholic beverage sold or offered for sale under an unregistered brand, copyright, or label, or under a false or pretended brand or label.

[Pre-1973 Recodification Citations: 7-1-1-5(13); 7-1-1-33(b).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-26.3 "Motor vehicle"

Sec. 26.3. "Motor vehicle" means a vehicle that is self-propelled.

As added by P.L.106-1995, SEC.1. Amended by P.L.221-2014, SEC.6.

IC 7.1-1-3-26.5 "Nonalcoholic malt beverage"

Sec. 26.5. The term "nonalcoholic malt beverage" means a liquid that:

- (1) is fit for human consumption;
- (2) is reasonably likely or is intended to be used as a beverage;
- (3) is produced:
 - (A) in a manner similar to beer; and
 - (B) from ingredients similar to beer; and
- (4) contains less than one-half percent (0.5%) alcohol by volume. *As added by P.L.52-1992, SEC.1.*

IC 7.1-1-3-27 "One-way permit"

Sec. 27. One-Way Permit. The term "one-way permit" means a beer retailer's permit issued to a permittee.

[Pre-1973 Recodification Citation: 7-3-4-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-28"Package liquor store"

Sec. 28. The term "package liquor store" means a place or establishment that meets the requirements provided in IC 7.1-3-10, and whose exclusive business is the retail sale of alcoholic beverages and commodities that are permissible under this title for use or consumption only off the licensed premises.

[Pre-1973 Recodification Citation: 7-1-1-20.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.89.

IC 7.1-1-3-28.5"Partnership"

Sec. 28.5. The term "partnership" has the meaning set forth in IC 23-4-1-6.
As added by P.L.51-1994, SEC.2. Amended by P.L.105-1995, SEC.2.

IC 7.1-1-3-29"Permit"

Sec. 29. (a) "Permit", except as provided in subsection (b), means a written authorization issued by the commission entitling its holder to manufacture, rectify, distribute, transport, sell, or otherwise deal in alcoholic beverages, all as provided in this title.

(b) "Permit", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-18.

[Pre-1973 Recodification Citation: 7-2-1-19(f).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.176-2015, SEC.6.

IC 7.1-1-3-30"Permittee"

Sec. 30. (a) "Permittee", except as provided in subsection (b), means a person who is the holder of a valid permit under this title, including an agent, servant, or employee of, or other person acting on behalf of, a permittee, whenever a permittee is prohibited from doing a certain act under this title.

(b) "Permittee", for purposes of IC 7.1-7, has the meaning set forth in IC 7.1-7-2-19.

[1973 Recodification Citation: New.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.176-2015, SEC.7.

IC 7.1-1-3-31"Person"

Sec. 31. The term "person" includes:

- (1) a natural individual;
- (2) a firm;
- (3) a corporation;
- (4) a partnership;
- (5) a limited partnership;
- (6) a limited liability company;
- (7) an incorporated or unincorporated association; or
- (8) other legal entity;

whether acting by themselves or by a servant, an agent, or an employee.

[Pre-1973 Recodification Citations: 7-1-1-3(1); 7-1-3-2; 7-2-1-19(b).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.105-1995, SEC.3.

IC 7.1-1-3-32"Pint"

Sec. 32. Pint. The term "pint" means a liquid measure equal to one-eighth (1/8) of a gallon.

[Pre-1973 Recodification Citation: 7-1-1-41(e).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-32.3"Powdered or crystalline alcohol"

Sec. 32.3. "Powdered or crystalline alcohol" means alcohol in a powdered or crystalline form, for either direct use or reconstitution.

As added by P.L.70-2015, SEC.1.

IC 7.1-1-3-32.5"Primary source of supply"

Sec. 32.5. The term "primary source of supply" means, in regard to the alcoholic beverage being sold to a wholesaler:

- (1) an artisan distiller or distiller of the alcoholic beverage;

- (2) a producer of the alcoholic beverage;
- (3) a vintner of the alcoholic beverage;
- (4) a rectifier of the alcoholic beverage;
- (5) an importer into the United States of the alcoholic beverage;
- (6) an owner of the alcoholic beverage at the time it becomes a marketable product;
- (7) a bottler of the alcoholic beverage;
- (8) a brewer of the alcoholic beverage; or
- (9) an agent specifically authorized to make sales to an Indiana wholesaler by a person listed in subdivisions (1) through (8).

As added by P.L.57-1984, SEC.1. Amended by P.L.109-2013, SEC.1.

IC 7.1-1-3-32.7"Professional and educational expenses"

Sec. 32.7. "Professional and educational expenses", for purposes of IC 7.1-5-5, means one (1) or more of the following:

- (1) A primary source of supply or wholesaler may participate in retailer or dealer association activities. A primary source of supply or wholesaler may do the following:
 - (A) Display its products at a convention or trade show.
 - (B) Rent display booth space if the rental fee is not excessive and is the same as paid by all exhibitors.
 - (C) Provide its own hospitality that is independent from association sponsored activities.
 - (D) Purchase tickets to functions and pay registration fees if the payments or fees are not excessive and are the same as paid by all exhibitors.
 - (E) Make payments for advertisements in programs or brochures issued by retailer or dealer associations at a convention or trade show if the total payments made are not excessive and are the same as paid by all other advertisers.
- (2) A primary source of supply or wholesaler may give or sponsor educational seminars for employees of retailers or dealers either at the primary source of supply's or wholesaler's premises or at the retailer or dealer establishment. Examples of educational seminars include the following:
 - (A) Seminars dealing with the use of a retailer's or dealer's equipment.
 - (B) Training seminars for employees of retailers or dealers.
 - (C) Tours of a primary source of supply's or wholesaler's plant or premises.
 - (D) Training seminars for employees of retailers or dealers may include tasting or sampling of alcoholic beverages by the employees of retailers or dealers. The tasting or sampling of an alcoholic beverage product is limited to one (1) ounce per employee of each alcoholic beverage product offered. The alcoholic beverage to be tasted or sampled may be provided by the primary source of supply or wholesaler or may be purchased from the retailer or dealer for no more than the listed retail price. The tasting or sampling may be conducted only at a permit premises where the consumption of alcoholic beverages is permitted. Any tasting or sampling provided by a primary source of supply or wholesaler must be offered or conducted on a nondiscriminatory basis.
 - (E) Reasonable hospitality, such as food and alcoholic beverages, may be offered as a part of an educational seminar.
- (3) Advertising specialties and consumer advertising specialties, even if not otherwise permitted by a rule of the commission, if a wholesaler or primary source of supply does not:
 - (A) add the name or address of the retailer or dealer to the advertising specialty or consumer advertising specialty; or
 - (B) pay or credit the retailer or dealer, directly or indirectly, for distribution services.

As added by P.L.270-2017, SEC.5.

IC 7.1-1-3-33"Public nuisance"

Sec. 33. The term "public nuisance" means an act, practice, place, or thing prohibited by IC 7.1-2-6.

[Pre-1973 Recodification Citation: 7-1-1-37.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.90.

IC 7.1-1-3-34"Quart"

Sec. 34. Quart. The term "quart" means a liquid measure equal to one-fourth (1/4) of a gallon.

[Pre-1973 Recodification Citation: 7-1-1-41(e).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-35"Rectifier"

Sec. 35. Rectifier. The term "rectifier" means a person who colors, flavors, or otherwise processes already existing alcoholic beverages by distillation, blending, percolating, or other process.

[Pre-1973 Recodification Citation: 7-1-1-3(m).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-36"Rectify"

Sec. 36. Rectify. The term "rectify" means and includes the processes used by a rectifier in the rectification of alcoholic beverages.

[Pre-1973 Recodification Citation: 7-1-1-3(m).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-37"Residence"

Sec. 37. Residence. The term "residence" means:

(a) The premises in which a person resides and includes the aggregation of the rooms inhabited by him, including the cellar and basement under them; and,

(b) Also means a room equipped for sleeping or a suite located in a hotel when actually occupied by a traveler, or by a person as his bona fide residence.

[Pre-1973 Recodification Citation: 7-1-1-3(i).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-38"Residential district"

Sec. 38. Residential District. The term "residential district" means an area composed of all territory within a radius of five hundred (500) feet of the premises described in the application for a permit being considered and in which area seventy-five percent (75%) or more of the territory in use is used for residential purposes as opposed to commercial, business or manufacturing purposes. Territory in use in the area does not include territory which consists in or is devoted to a street, alley, vacant lot, park, parkway, church, school, religious institution, other not-for-profit institution, lake, river, or other body of water.

[Pre-1973 Recodification Citation: 7-2-1-15.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-39"Resort hotel"

Sec. 39. The term "resort hotel" means an establishment which meets the requirements provided in IC 7.1-3-20-21.

[Pre-1973 Recodification Citation: 7-1-1-3(n).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.91.

IC 7.1-1-3-40"Restaurant"

Sec. 40. The term "restaurant" means an establishment which meets the requirements provided in IC 7.1-3-20-9.

[Pre-1973 Recodification Citation: 7-1-1-3(j).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.92.

IC 7.1-1-3-41"Salesman"

Sec. 41. Salesman. The term "salesman" means:

(a) A person who procures, or seeks to procure an order or contract for the sale, or for the delivery, or for the transportation of alcoholic beverages; and,

(b) Also means a person who is engaged in promoting the sale of alcoholic beverages, or in promoting the business of a person engaged in the alcoholic beverage trade in any manner, whether the seller resides within this state and sells to buyers either within or without this state, or whether the seller resides without this state and sells for delivery to buyers within this state.

[Pre-1973 Recodification Citation: 7-2-1-11.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-42"Service bar"

Sec. 42. Service Bar. The term "service bar" means a counter over which alcoholic beverages are served and which is used only by the employees of the establishment in which it is located in the course of their employment.

[Pre-1973 Recodification Citation: 7-1-6-1.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-43"Setup"

Sec. 43. Setup. The term "setup" means a glass, container, ice, water or mixer, served to a patron for the purpose of being used or consumed with an alcoholic beverage brought upon the licensed premises by the patron.

[Pre-1973 Recodification Citation: 7-2-1-10.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-44Repealed

[Pre-1973 Recodification Citation: 7-1-1-22.5.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.201-1999, SEC.1; P.L.165-2006, SEC.1.

Repealed by P.L.32-2021, SEC.15.

IC 7.1-1-3-45"Special disqualifications"

Sec. 45. The term "special disqualifications" means those impediments provided in IC 7.1-3-4-2, which prevent the issuance of certain permits to a person who possesses one (1) of them.

[Pre-1973 Recodification Citation: 7-1-1-11.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.93.

IC 7.1-1-3-46"Table wine"

Sec. 46. Table Wine. The term "table wine" means wine that is produced without rectification or fortification and whose alcoholic content does not exceed fourteen percent (14%).

[Pre-1973 Recodification Citation: 7-1-1-22.5.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-47"Three-way permit"

Sec. 47. Three-Way Permit. The term "three-way permit" means the combination of a beer retailer's permit, a liquor retailer's permit, and a wine retailer's permit issued to a permittee.

[Pre-1973 Recodification Citation: 7-3-4-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-47.5"Tobacco product"

Sec. 47.5. (a) "Tobacco product", except as provided in subsection (b), has the meaning set forth in IC 7.1-6-1-3.

(b) "Tobacco product", for purposes of IC 7.1-3-18.5, means a product that:

- (1) contains tobacco, including e-liquid (as defined by IC 7.1-7-2-10) that contains nicotine; and
- (2) is intended for human consumption.

As added by P.L.250-2003, SEC.4. Amended by P.L.176-2015, SEC.8; P.L.60-2016, SEC.2.

IC 7.1-1-3-48"Two-way permit"

Sec. 48. Two-Way Permit. The term "two-way permit" means the combination of a beer retailer's permit and a wine retailer's permit issued to a permittee.

[Pre-1973 Recodification Citation: 7-3-4-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-1-3-49"Wine"

Sec. 49. The term "wine" means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruit, fruit juice, or other agricultural products containing sugar, including necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, and also the alcoholic fortification of the beverage. The term includes hard cider, except for alcoholic beverage tax purposes. The term does not mean an alcoholic beverage that contains twenty-one percent (21%), or more, of absolute alcohol reckoned by volume.

[Pre-1973 Recodification Citation: 7-1-1-3(p).]

Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.3. As amended by P.L.119-1998, SEC.22.

IC 7.1-1-3-50"Wood alcohol"

Sec. 50. Wood Alcohol. The term "wood alcohol" means the compound CH₃OH, also known as methanol, from whatever source or by whatever process produced. The term also means wood alcohol that has been redistilled and which is likely or intended to be used as a beverage.

[Pre-1973 Recodification Citation: 7-1-1-32(1).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2ARTICLE 2. ALCOHOL AND TOBACCO COMMISSION AND ADMINISTRATION

- Ch. 1.General Provisions
- Ch. 2.Officers and Employees
- Ch. 3.Powers and Duties
- Ch. 4.Local Boards
- Ch. 5.Remedies: Searches, Seizures, Property Rights, Evidence, and Judicial Sales
- Ch. 6.Remedies: Public Nuisances
- Ch. 7.Prevention of Discrimination Against Indiana Products
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IC 7.1-2-1Chapter 1. General Provisions

7.1-2-1-0.3Treatment of references to prior commission names; transfer of property and obligations; treatment of actions of prior commissions

- 7.1-2-1-1Commission created
- 7.1-2-1-2Composition
- 7.1-2-1-3Appointments and terms
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- 7.1-2-1-5Chairman and chairman pro tempore
- 7.1-2-1-6Vacancies
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- 7.1-2-1-8Bond and oath of office
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- 7.1-2-1-11Quorum and voting
- 7.1-2-1-12Restriction on solicitation or acceptance of political contributions
- 7.1-2-1-13Limitation of liability

IC 7.1-2-1-0.3Treatment of references to prior commission names; transfer of property and obligations; treatment of actions of prior commissions

Sec. 0.3. (a) After June 30, 2001, a reference in any law, rule, contract, or other document or record to the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana shall be treated as a reference to the alcohol and tobacco commission.

(b) On July 1, 2001, the property and obligations of the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana are transferred to the alcohol and tobacco commission.

(c) An action taken by the alcoholic beverage commission, the Indiana alcoholic beverage commission, or the alcoholic beverage commission of Indiana before July 1, 2001, shall be treated after June 30, 2001, as if it were originally taken by the alcohol and tobacco commission.

As added by P.L.220-2011, SEC.170.

IC 7.1-2-1-1Commission created

Sec. 1. There is hereby created as a part of state government, a commission to be known as the alcohol and tobacco commission.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.204-2001, SEC.18.

IC 7.1-2-1-2Composition

Sec. 2. The commission shall be composed of four (4) members who are not officials of the state in any other capacity and who are qualified for their positions in accordance with the provisions of IC 7.1-2-1-4.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.94.

IC 7.1-2-1-3Appointments and terms

Sec. 3. Appointments and Terms. Members of the commission shall be appointed by the governor and a commissioner shall be eligible for reappointment. No more than two (2) commissioners shall belong to the same political party. A commissioner shall be appointed for a term of four (4) years, but shall serve that term at the pleasure of the governor.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-1-4Qualifications of commissioners

Sec. 4. To be eligible for appointment as a commissioner, a person shall possess the following qualifications:

- (1) The person must be at least thirty-one (31) years of age.
- (2) The person may not have a conviction within ten (10) years before the date of appointment of:
 - (A) a federal crime having a sentence of at least one (1) year;
 - (B) an Indiana Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014); or
 - (C) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014).

However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9.

- (3) The person must be an Indiana resident for at least ten (10) years immediately preceding the person's appointment.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.285-2019, SEC.5.

IC 7.1-2-1-5Chairman and chairman pro tempore

Sec. 5. Chairman and Chairman Pro Tempore. The governor shall appoint one (1) of the members to serve as chairman of the commission. The governor also shall appoint one (1) of the members to serve as chairman pro tempore in the absence of the chairman.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-1-6Vacancies

Sec. 6. Vacancies. A member appointed to fill a vacancy in the membership of the commission shall serve only for the unexpired portion of the original, vacated term. In all other respects, an appointment to fill a vacancy shall be made in the same manner that an original appointment is made.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-1-7Compensation

Sec. 7. Compensation. As compensation for services, each commissioner shall receive an annual salary to be fixed in the same manner that the salaries of other state officials are fixed. In addition to the annual salary, a commissioner shall be reimbursed for traveling and other expenses necessarily incurred while away from his office carrying out his duties as a member of the commission.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-1-8Bond and oath of office

Sec. 8. Bond and Oath of Office. Each commissioner shall execute a surety bond in the amount of ten thousand dollars (\$10,000), with surety approved by the governor, and an oath of office, both of which shall be filed in the office of the secretary of state.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-1-9 Surety bonds

Sec. 9. Surety Bonds. The required surety bond executed and filed on behalf of a commissioner, an enforcement officer, or the prosecutor shall be made payable to the State of Indiana and conditioned upon the faithful discharge of the bonded party's respective duties.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-1-10 Meetings and adjournments

Sec. 10. Meetings and Adjournments. The commission shall hold regular meetings on the first and third Tuesday of each month. The commission may hold special meetings whenever the commission deems it necessary. The procedure for the calling of a special meeting shall be provided in the rules of the commission. The commission shall have the power to adjourn, from time to time, both regular and special meetings. In no event, however, shall the adjournment be later than the next regular meeting date.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-1-11 Quorum and voting

Sec. 11. (a) Three (3) members of the commission constitute a quorum for the transaction of business.

(b) Each commissioner has one (1) vote.

(c) Action of the commission may be taken only upon the affirmative votes of at least two (2) commissioners. If a vote of the commission is a tie, the position for which the chairman voted shall be treated as the position adopted by the commission.

[Pre-1973 Recodification Citations: 7-2-1-2; 7-2-1-27.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.204-2001, SEC.19.

IC 7.1-2-1-12 Restriction on solicitation or acceptance of political contributions

Sec. 12. A commissioner may not solicit or accept a political contribution from any person or entity that has a permit or has applied for a permit issued by the commission. However, the right of a commissioner to vote as the commissioner chooses and to express the commissioner's opinions on political subjects and candidates may not be impaired.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.62-1998, SEC.1.

IC 7.1-2-1-13 Limitation of liability

Sec. 13. Limitation of Liability. A member of the commission shall not be personally liable for liability to a person because of the negligence, act, or omission of an enforcement officer.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-2 Chapter 2. Officers and Employees

7.1-2-2-1 Office of prosecutor created

7.1-2-2-2 Qualifications and appointment

7.1-2-2-3 Bond and oath of office

7.1-2-2-4 Compensation

7.1-2-2-5 Prosecutor; powers and duties

7.1-2-2-6 Office space and expenses

7.1-2-2-7 Executive secretary

7.1-2-2-8 Enforcement officer; appointments

7.1-2-2-9 Enforcement officer; powers and duties

7.1-2-2-9.5 Investigation of fraud within electronic benefits transfer program

7.1-2-2-10 Enforcement officer; bond and oath of office

7.1-2-2-11 Enforcement officer; worker's compensation and occupational disease

7.1-2-2-11.5 Retired law enforcement officer; retention of service weapon; badge and identification card
7.1-2-2-12 Employees; discharge of non-probationary enforcement officer
7.1-2-2-13 Enforcement officers; salaries

IC 7.1-2-2-1 Office of prosecutor created

Sec. 1. Office of Prosecutor Created. There is hereby created within the commission a division to be known as the "Office of the Prosecutor."

[Pre-1973 Recodification Citation: 7-2-1-4.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-2-2 Qualifications and appointment

Sec. 2. The prosecutor shall be appointed by the governor for a term of four (4) years to be served at the pleasure of the governor. The prosecutor shall be a resident of the state and a practicing member of the Indiana bar.

[Pre-1973 Recodification Citation: 7-2-1-4.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.224-2005, SEC.1.

IC 7.1-2-2-3 Bond and oath of office

Sec. 3. Bond and Oath of Office. The prosecutor shall execute a surety bond in the amount of five thousand dollars (\$5,000), with surety approved by the governor, and an oath of office, both of which shall be filed in the office of the secretary of state.

[Pre-1973 Recodification Citation: 7-2-1-4.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-2-4 Compensation

Sec. 4. Compensation. As compensation for services, the prosecutor shall receive an annual salary to be fixed in the same manner that the salaries of other state officials are fixed. In addition to the annual salary, the prosecutor shall be reimbursed for traveling and other expenses necessarily incurred while away from his office carrying out his duties as prosecutor.

[Pre-1973 Recodification Citation: 7-2-1-4.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-2-5 Prosecutor; powers and duties

Sec. 5. Prosecutor: Powers and Duties. The prosecutor shall have the following powers and duties:

- (a) To prosecute before the commission all violations of laws pertaining to alcohol, alcoholic beverages, and tobacco, including violations pertaining to tobacco vending machines;
- (b) To prosecute before the commission all violations of the rules and regulations of the commission;
- (c) To assist the prosecuting attorneys of the various judicial circuits in the investigation and prosecution of violations of laws pertaining to alcohol, alcoholic beverages, and tobacco, including violations pertaining to tobacco vending machines, and to represent the state in these matters;
- (d) To appear before grand juries to assist in their investigations into matters pertaining to alcohol, alcoholic beverages, and tobacco, including matters pertaining to tobacco vending machines;
- (e) To establish a seal of his office;
- (f) To administer oaths and to do all other acts authorized by law for notaries public; and,
- (g) To employ, with the consent of the commission and at salaries fixed by the commission in their budget, the clerical staff required by him to effectively discharge his duties.

[Pre-1973 Recodification Citation: 7-2-1-4.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.250-2003, SEC.6.

IC 7.1-2-2-6 Office space and expenses

Sec. 6. Office Space and Expenses. The commission shall provide the prosecutor with appropriate office space and all necessary office supplies and services. All claims for salaries and necessary expenses of the office of the prosecutor shall be allowed and approved by the commission and shall be paid from the enforcement and administration fund of the commission.

[Pre-1973 Recodification Citation: 7-2-1-4.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-2-7 Executive secretary

Sec. 7. Executive Secretary. The commission, with the consent of the governor, shall employ an executive secretary to aid the commission in the efficient administration of its powers and duties.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-2-8 Enforcement officer; appointments

Sec. 8. (a) The commission may employ qualified individuals to serve as enforcement officers of the commission.

(b) The superintendent of the enforcement officers must have had at least ten (10) years experience as an active law enforcement officer, at least five (5) years of which must have been in a management capacity.

(c) The commission shall issue to an enforcement officer a certificate of employment under the seal of the commission. The courts of this state shall take judicial notice of a certificate of employment.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.204-2001, SEC.20; P.L.94-2008, SEC.4.

IC 7.1-2-2-9 Enforcement officer; powers and duties

Sec. 9. (a) An enforcement officer is vested with full police powers and duties to enforce:

- (1) the provisions of this title;
- (2) any other law of this state relating to alcohol or alcoholic beverages; and
- (3) tobacco laws, including tobacco vending machines.

(b) An enforcement officer may issue a summons for infraction or misdemeanor violations if the defendant promises to appear by signing the summons. A defendant who fails to appear is subject to the penalties provided by IC 35-44.1-2-10. Upon failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the authority of an enforcement officer under subsection (a), an enforcement officer may act as an officer for the arrest of offenders against the laws of this state if the enforcement officer reasonably believes that a crime is or is about to be committed or attempted in the enforcement officer's presence.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1979, P.L.83, SEC.1; P.L.84-1985, SEC.1; P.L.256-1996, SEC.1; P.L.177-1999, SEC.4; P.L.126-2012, SEC.28.

IC 7.1-2-2-9.5 Investigation of fraud within electronic benefits transfer program

Sec. 9.5. The state excise police may investigate fraud within the electronic benefits transfer program, as set forth in IC 12-13-14-14.

As added by P.L.197-2013, SEC.3.

IC 7.1-2-2-10 Enforcement officer; bond and oath of office

Sec. 10. Enforcement Officers: Bond and Oath of Office. Each enforcement officer shall execute a surety bond in the amount of one thousand dollars (\$1,000), with surety approved by the commission, and an oath of office, both of which shall be filed with the executive secretary of the commission.

[Pre-1973 Recodification Citation: 7-2-1-2.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-2-11 Enforcement officer; worker's compensation and occupational disease

Sec. 11. (a) The injury to, the injury to the health of, or the death of, an enforcement officer shall be compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury, injury to the health, or death, arises out of, and in the course of, the performance of the officer's duties as an enforcement officer.

(b) For the purposes of subsection (a), and of IC 22-3-2 through IC 22-3-7, an enforcement officer shall be conclusively presumed to have accepted the compensation provisions provided in them.

[Pre-1973 Recodification Citation: 7-2-1-3.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.28-1988, SEC.3.

IC 7.1-2-2-11.5 Retired law enforcement officer; retention of service weapon; badge and identification card Sec. 11.5. An eligible enforcement officer who retires with at least twenty (20) years of service as an enforcement officer may retain the officer's service weapon. The officer is entitled to receive, in recognition of the officer's service to the commission and to the public, a badge that indicates that the officer is retired. The commission shall issue the officer who is retiring an identification card stating the officer's name and rank, signifying that the officer is retired, and noting the officer's authority to retain the service weapon.

As added by P.L.1-1992, SEC.27.

IC 7.1-2-2-12 Employees; discharge of non-probationary enforcement officer

Sec. 12. (a) The commission shall have the power to employ and remove at will all necessary clerks, stenographers, bookkeepers, auditors, accountants, assistants of any nature, and other employees, and to fix their duties, authorities, and, with proper approval, their compensation.

(b) The superintendent of the enforcement officers may discharge a non-probationary enforcement officer for just cause. The commission shall adopt rules to establish a procedure for the adjudication of the propriety of the discharge of a non-probationary enforcement officer.

[Pre-1973 Recodification Citation: 7-2-1-8.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.347-1995, SEC.1.

IC 7.1-2-2-13 Enforcement officers; salaries

Sec. 13. (a) The alcohol and tobacco commission shall categorize salaries of enforcement officers within each rank based upon the rank held and the number of years of service in the commission through the twentieth year. The salary ranges that the board assigns to each rank shall be divided into a base salary and twenty (20) increments above the base salary with:

- (1) the base salary in the rank paid to a person with less than one (1) year of service in the commission; and
- (2) the highest salary in the rank paid to a person with at least twenty (20) years of service in the commission.

(b) The salary matrix prescribed by this section shall be reviewed and approved by the budget agency before implementation.

(c) The salary matrix prescribed by this section must have parity with the salary matrix prescribed by the natural resources commission under IC 14-9-8 for conservation officers of the department of natural resources. The budget agency shall approve a salary matrix that meets the parity requirement of this subsection.

As added by P.L.1-1999, SEC.19. Amended by P.L.204-2001, SEC.21; P.L.234-2007, SEC.305.

IC 7.1-2-3 Chapter 3. Powers and Duties

- 7.1-2-3-1 Duties of chairman
- 7.1-2-3-2 Power to organize
- 7.1-2-3-3 Forms
- 7.1-2-3-4 General powers of commission
- 7.1-2-3-4.5 Limitations upon commission powers
- 7.1-2-3-4.6 Quarterly reports of permittee violations
- 7.1-2-3-5 Enforcement of subpoena
- 7.1-2-3-6 Rule making
- 7.1-2-3-7 Rules and regulations
- 7.1-2-3-8 Conformance to United States law
- 7.1-2-3-9 Permits
- 7.1-2-3-9.1 Registry of permits
- 7.1-2-3-10 Investigations; memorandum of understanding
- 7.1-2-3-11 Emergencies
- 7.1-2-3-12 Searches and seizures
- 7.1-2-3-13 Prevention of subterfuge
- 7.1-2-3-14 Standards of sanitation
- 7.1-2-3-15 Destruction of personal property
- 7.1-2-3-16 Regulation of advertising
- 7.1-2-3-16.5 "Facility"
- 7.1-2-3-17 Registration requirements
- 7.1-2-3-18 Regulation of transportation and containers
- 7.1-2-3-19 Regulation of records

7.1-2-3-20Repealed
7.1-2-3-21Regulation of local boards
7.1-2-3-22Regulation of business relationships
7.1-2-3-23Repealed
7.1-2-3-24Disclosures concerning transportation
7.1-2-3-25Military bases
7.1-2-3-26Duty concerning franchise agreements
7.1-2-3-27Repealed
7.1-2-3-28Repealed
7.1-2-3-29Delegation of powers and duties
7.1-2-3-30Limitation of liability
7.1-2-3-31Implied powers
7.1-2-3-32Group purchasing agreements; rules
7.1-2-3-33Investigations and penalties for violations relating to tobacco or electronic cigarettes
7.1-2-3-34Expired

IC 7.1-2-3-1Duties of chairman

Sec. 1. Duties of Chairman. The chairman shall be the presiding officer at the meetings of the commission. The chairman, together with the executive secretary, shall prepare, certify and authenticate all proceedings, minutes, records, rules and regulations of the commission. The chairman also shall perform all other duties as imposed by this title.

[Pre-1973 Recodification Citations: 7-1-1-5; 7-2-1-5.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-2Power to organize

Sec. 2. Power to Organize. The commission shall have the power to organize its work and carry on the functions of the commission and to enforce and administer the provisions of this title and the rules and regulations of the commission.

[Pre-1973 Recodification Citation: 7-1-1-5(1).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-3Forms

Sec. 3. The commission, in accordance with IC 5-15-5.1, shall have the power to prescribe the forms for all applications, permits, licenses, certificates, and other documents and records used in the administration of this title.

[Pre-1973 Recodification Citation: 7-1-1-5(15).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1979, P.L.40, SEC.18; P.L.194-2021, SEC.16.

IC 7.1-2-3-4General powers of commission

Sec. 4. The commission shall have the power to:

- (1) hold hearings before the commission or its representative;
- (2) take testimony and receive evidence;
- (3) conduct inquiries with or without hearings;
- (4) receive reports of investigators or other governmental officers and employees;
- (5) administer oaths;
- (6) subpoena witnesses and to compel them to appear and testify;
- (7) issue and enforce subpoenas duces tecum;
- (8) take or institute proceedings to enforce subpoenas, the rules and regulations, orders, or requirements of the commission or its representative;
- (9) fix the compensation paid to witnesses appearing before the commission;
- (10) establish and use a seal of the commission;
- (11) certify copies of records of the commission or any other document or record on file with the commission;
- (12) fix the form, mode, manner, time, and number of times for the posting or publication of any required notices if not otherwise provided in this title;
- (13) issue letters of extension as authorized by IC 7.1-3-1-3.1; and
- (14) hold permits on deposit as authorized by IC 7.1-3-1-3.5 and IC 7.1-3-1.1.

[Pre-1973 Recodification Citation: 7-1-1-5(16).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1982, P.L.69, SEC.2; P.L.285-2019, SEC.6.

IC 7.1-2-3-4.5 Limitations upon commission powers

Sec. 4.5. The commission and the chairman may exercise only those express powers enumerated in this title; however, this section does not limit the powers granted to the commission by section 31 of this chapter.

As added by Acts 1982, P.L.69, SEC.3.

IC 7.1-2-3-4.6 Quarterly reports of permittee violations

Sec. 4.6. (a) The commission shall prepare quarterly reports that provide the violations by permittees subject to an enforcement action under IC 7.1-5-7-17. The commission shall issue the quarterly reports on or before the fifteenth day of:

- (1) January, concerning violations committed during the preceding quarter consisting of the months of October through December;
- (2) April, concerning violations committed during the preceding quarter consisting of the months of January through March;
- (3) July, concerning violations committed during the preceding quarter consisting of the months of April through June; and
- (4) October, concerning violations committed during the preceding quarter consisting of the months of July through September.

(b) The commission's quarterly report must provide noncompliance violations by:

- (1) business listing;
- (2) permit type; and
- (3) county.

(c) The commission shall post the quarterly reports on the commission's Internet web site. The commission shall:

- (1) prepare a report annually that compiles the violations for the preceding calendar year; and
- (2) provide the report to the legislative council not later than February 1 of each year in an electronic format under IC 5-14-6.

As added by P.L.285-2019, SEC.7.

IC 7.1-2-3-5 Enforcement of subpoena

Sec. 5. Enforcement of Subpoena. The commission shall have the authority to petition the circuit or superior court of the county in which the hearing or investigation is being held to compel obedience to the lawful requirements of its subpoena under this title.

[Pre-1973 Recodification Citation: 7-1-1-5.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-6 Rule making

Sec. 6. The rules and regulations of the commission shall be made, promulgated, filed and published pursuant to the provisions of IC 4-22-2 as amended.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.95.

IC 7.1-2-3-7 Rules and regulations

Sec. 7. The commission shall have the power to promulgate rules and regulations governing the following:

- (1) The conduct of the meetings and business of the commission.
- (2) The conduct of hearings before any of the commission's representatives.
- (3) The conduct of the business of a permittee or certificate holder authorized or governed by the provisions of this title.
- (4) The enforcement of the provisions of this title and of the rules and regulations of the commission.
- (5) The standards of purity and methods of manufacturing used in the production of alcohol and alcoholic beverages.
- (6) The prevention of misbranding or adulteration of alcohol or alcoholic beverages.

(7) The prevention of fraud, evasion, trickery, or deceit in the manufacture, labeling, importation, advertisement, transportation, or sale of alcohol or alcoholic beverages, or the evasion of other laws of Indiana relating to alcohol or alcoholic beverages.

[Pre-1973 Recodification Citations: 7-1-1-5(3); 7-1-1-5(4).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.194-2021, SEC.17.

IC 7.1-2-3-8Conformance to United States law

Sec. 8. Conformance to United States Law. The commission shall have the power to conform, to adapt, or to coordinate, to the extent the commission deems proper, the practices, methods, standards, and rules and regulations governing the traffic in alcohol and alcoholic beverages, with the practices, methods, standards and rules and regulations established by an officer or agency of the United States government.

[Pre-1973 Recodification Citation: 7-1-1-5(10).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-9Permits

Sec. 9. The commission shall have the discretionary authority to issue, deny, suspend, revoke, or not renew all permits and certificates authorized by this title, unless the exercise of discretion or authority is limited by applicable provisions of this title.

[Pre-1973 Recodification Citation: 7-1-1-5(2).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.194-2021, SEC.18.

IC 7.1-2-3-9.1Registry of permits

Sec. 9.1. (a) The commission shall prepare and maintain, available for public inspection, a registry of all retailer and dealer permits (including supplemental permits) issued by it, categorized by type of permit and by the type of establishment to which it is issued. The registry of permits shall:

- (1) be subdivided on a county by county basis, and further subdivided by city, town, and unincorporated area;
- (2) contain the number of permits authorized by the quota, and the number of permits currently issued;
- (3) contain the name of the owner of the permit, the address of the licensed premises, the assumed business name under which the business is conducted, and, if a corporation, the names of the president and secretary; and
- (4) be made current annually, to indicate by specific notation any new permits that were issued or any existing permits that were transferred in any manner within the prior year.

(b) The commission shall provide for the sale of the registry of permits to the public on a cost basis, both as a complete statewide registry and as a countywide registry.

As added by Acts 1982, P.L.69, SEC.4. Amended by P.L.85-1985, SEC.1; P.L.106-1995, SEC.3; P.L.108-2021, SEC.12.

IC 7.1-2-3-10Investigations; memorandum of understanding

Sec. 10. (a) The commission shall have the power to investigate the violation of a provision of this title and of the rules and regulations of the commission and to report its findings to the prosecuting attorney or the grand jury of the county in which the violation occurred, or to the attorney general.

(b) The commission shall enter a memorandum of understanding with the Indiana gaming commission authorizing the commission's unlawful gaming enforcement division to conduct revocation actions resulting from suspected violations of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 as authorized by the following statutes:

- (1) IC 7.1-3-18.5.
- (2) IC 7.1-3-23-2(b).
- (3) IC 7.1-3-23-5.

(c) A memorandum of understanding entered into under this section must comply with the requirements of IC 4-33-19-8.

(d) The memorandum of understanding required by this section must be entered into before January 1, 2008.

[Pre-1973 Recodification Citation: 7-1-1-5(5).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.227-2007, SEC.60; P.L.94-2008, SEC.5.

IC 7.1-2-3-11Emergencies

Sec. 11. Emergencies. The commission shall have the power to prohibit the sale, transportation or movement of alcoholic beverages when, in the judgment of the commission, it is necessary during a time of public emergency, civil disturbance, riot, or epidemic. The prohibition may be imposed without prior notice or advertisement and may be continued in force as long as the need continues.

[Pre-1973 Recodification Citation: 7-1-1-5(6).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-12Searches and seizures

Sec. 12. Searches and Seizures. (a) The commission shall have the power to examine, inspect and search a licensed premises or a vehicle where alcohol, alcoholic beverages, or malt articles are kept, manufactured or sold.

(b) The commission shall have the power to seize alcohol, alcoholic beverages, malt articles, or any other personal property when the seizure is lawful under the provisions of this title.

[Pre-1973 Recodification Citation: 7-1-1-5(7).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-13Prevention of subterfuge

Sec. 13. Prevention of Subterfuge. The commission shall have the power to prevent a part of the premises connected with, or in any way used in connection with, a licensed premises from being used as a subterfuge or means of evading the provisions of this title or of the rules and regulations of the commission.

[Pre-1973 Recodification Citation: 7-1-1-5(8).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-14Standards of sanitation

Sec. 14. The commission shall have the power to set standards of cleanliness and sanitation for a licensed premises and for the apparatus, equipment, utensils, accessories, articles, and fixtures used or employed in the licensed premises. The commission shall have the power to require the aid of the state department of health, any local board of health, and any health officer in this state to fix and enforce these standards.

[Pre-1973 Recodification Citation: 7-1-1-5(9).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.2-1992, SEC.74.

IC 7.1-2-3-15Destruction of personal property

Sec. 15. Destruction of Personal Property. The commission shall have the power to require the destruction or removal of bottles, whether empty or not, cases, containers, apparatus, or devices, used or likely to be used, in evading, violating, or preventing the enforcement of the provisions of this title or of the rules and regulations of the commission.

[Pre-1973 Recodification Citation: 7-1-1-5(11).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-16Regulation of advertising

Sec. 16. (a) The commission shall have the power to regulate and prohibit advertising, signs, displays, posters, and designs intended to advertise an alcoholic beverage or the place where alcoholic beverages are sold.

(b) The commission shall not exercise the prohibition power contained in subsection (a), as to any advertisement appearing in a newspaper which:

- (1) is published at least once a week;
- (2) regularly publishes information of current news interest to the community; and
- (3) circulates generally to the public in any part of this state, regardless of where printed.

However, a newspaper shall not include publications devoted to special interests such as labor, religious, fraternal, society, or trade publications or journals, or publications owned or issued by political organizations or parties.

(c) The commission shall not exercise the prohibition power contained in subsection (a) as to any advertisement broadcast over duly licensed radio and television stations.

(d) All advertisements relating to alcoholic beverages, whether published in a newspaper or broadcast over radio or television, shall conform to the rules and regulations of the commission.

(e) The commission shall not exercise the prohibition power contained in subsection (a) as to advertising in the official program of the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane Race.

(f) Notwithstanding any other law, the commission may not prohibit the use of an illuminated sign advertising alcoholic beverages by brand name that is displayed within the interior or on the exterior of the premises covered by the permit, regardless of whether the sign is illuminated constantly or intermittently. However, it is unlawful for a primary source of supply or a wholesaler of alcoholic beverages to sell, give, supply, furnish, or grant to, or maintain for a retail or dealer permittee an illuminated advertising sign in a manner that violates the trade practice restrictions of the commission or this title. It is unlawful for a retail or dealer permittee to receive, accept, display, or permit to be displayed, an illuminated advertising sign sold, given, supplied, furnished, granted, or maintained in violation of this subsection. Unless otherwise stated, when a recipient receives an illuminated sign, the illuminated sign becomes the property and responsibility of the recipient.

(g) The commission may not prohibit the advertisement of:

- (1) alcoholic beverages; or
- (2) a place where alcoholic beverages may be obtained;

in a program, scorecard, handbill, throw-away newspaper, or menu; however, those advertisements must conform to the rules of the commission.

[Pre-1973 Recodification Citation: 7-1-1-5(12).]

Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.57, SEC.1; Acts 1975, P.L.70, SEC.1. As amended by P.L.98 - 1983, SEC.1; P.L.57-1984, SEC.2; P.L.165-2006, SEC.2.

IC 7.1-2-3-16.5"Facility"

Sec. 16.5. (a) As used in this section, "facility" includes the following:

- (1) A facility to which IC 7.1-3-1-25(a) applies.
- (2) A tract that contains a premises that is described in IC 7.1-3-1-14(d)(2).
- (3) A horse track or satellite facility to which IC 7.1-3-17.7 applies.
- (4) A riverboat or racetrack to which IC 7.1-3-17.5 applies.
- (5) A tract that contains an entertainment complex.

(b) As used in this section, "tract" has the meaning set forth in IC 6-1.1-1-22.5.

(c) A facility may advertise alcoholic beverages:

- (1) in the facility's interior; or
- (2) on the facility's exterior.

(d) The commission may not exercise the prohibition power contained in section 16(a) of this chapter on advertising by a brewer, distiller, rectifier, or vintner in or on a facility.

(e) Notwithstanding IC 7.1-5-5-10 and IC 7.1-5-5-11, a facility may provide advertising to a permittee that is a brewer, an artisan distiller, a distiller, a rectifier, or a vintner in exchange for compensation from that permittee. *As added by P.L.52-1992, SEC.2. Amended by P.L.106-1995, SEC.2; P.L.71-1996, SEC.2; P.L.72-2004, SEC.3; P.L.15-2011, SEC.10; P.L.109-2013, SEC.2; P.L.1-2018, SEC.1.*

IC 7.1-2-3-17Registration requirements

Sec. 17. Registration Requirements. The commission shall have the power to require the registration of all brands, formulas, analyses, labels, and trademarks used, or proposed to be used, in selling or advertising alcoholic beverages. The commission shall not have the power to require the disclosure of formulas that are verified trade secrets.

[Pre-1973 Recodification Citation: 7-1-1-5(13).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-18Regulation of transportation and containers

Sec. 18. Regulation of Transportation and Containers. The commission shall have the power to regulate the modes and methods of dealing in, and the transportation of, alcoholic beverages. The commission also shall have the power to regulate the types of containers in which alcoholic beverages may be lawfully transported and delivered.

[Pre-1973 Recodification Citations: 7-1-1-5(14); 7-1-1-5(17).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-19 Regulation of records

Sec. 19. Regulation of Records. The commission shall have the power to:

- (a) Prescribe the manner and methods by which all records relating to alcoholic beverages are kept and preserved;
- (b) Inspect all records relating to alcoholic beverages; and,
- (c) Require true copies of any record to be made and furnished to the commission.

[Pre-1973 Recodification Citation: 7-1-1-5(14).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-20 Repealed

[Pre-1973 Recodification Citation: 7-1-1-5(14).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.1-2010, SEC.38. Repealed by P.L.196-2015, SEC.2.

IC 7.1-2-3-21 Regulation of local boards

Sec. 21. Regulation of Local Boards. The commission shall have the power to prescribe the procedure to be observed by local alcoholic beverage boards and for investigations before these boards.

[Pre-1973 Recodification Citation: 7-1-1-5(18).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-22 Regulation of business relationships

Sec. 22. The commission shall have the power to ascertain the business relationships, including nonalcoholic beverage business relationships, between permittees or certificate holders under this title. The commission shall have the power to regulate or prohibit a practice, relationship, or dealing by or between permittees or certificate holders, which in the judgment of the commission is inimical to or a violation of a provision of this title or of a rule or regulation of the commission. The commission may take action in these matters by rule or regulation or by individual order upon hearing after five (5) days notice to the effected permittee or certificate holder.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.194-2021, SEC.19.

IC 7.1-2-3-23 Repealed

[Pre-1973 Recodification Citation: 7-1-1-8(3).]

As added by Acts 1973, P.L.55, SEC.1. Repealed by Acts 1973, P.L.58, SEC.2.

IC 7.1-2-3-24 Disclosures concerning transportation

Sec. 24. Disclosures Re Transportation. The commission may require that, prior to the importation or transportation of an alcoholic beverage into this state by an authorized permittee, he shall submit written, verified, information concerning the proposed importation or transportation and execute and file any documents required. The commission shall have the power also to inspect the shipments in transit and the vehicle used in the importation or transportation.

[Pre-1973 Recodification Citation: 7-1-1-42(c).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-25 Military bases

Sec. 25. Military Bases. The commission may authorize the sale of an alcoholic beverage to an officer, or other person legally entitled to purchase it, and the delivery of it to that person on a military reservation or other reservation within this state which is under the authority of the United States government and if the sale and delivery is otherwise lawful.

[Pre-1973 Recodification Citation: 7-1-1-42(t).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-26 Duty concerning franchise agreements

Sec. 26. The commission shall investigate a violation of a provision of IC 7.1-3-3-17 and IC 7.1-5-5-9, and shall have the power to enforce conformance with a provision of an injunction issued under the authority of these sections.

[Pre-1973 Recodification Citation: 7-2-1-23(c).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.96.

IC 7.1-2-3-27 Repealed

[Pre-1973 Recodification Citation: 7-2-1-24.]

Formerly: Acts 1973, P.L.55, SEC.1. Repealed by P.L.159-2014, SEC.2.

IC 7.1-2-3-28 Repealed

[Pre-1973 Recodification Citation: 7-2-1-6.]

Formerly: Acts 1973, P.L.55, SEC.1. Repealed by Acts 1978, P.L.6, SEC.36.

IC 7.1-2-3-29 Delegation of powers and duties

Sec. 29. Delegation of Powers and Duties. The commission, unless otherwise specifically provided, may delegate the powers and duties conferred on it in this title to responsible employees of the commission, but the commission shall maintain final responsibility.

[1973 Recodification Citation: New.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-30 Limitation of liability

Sec. 30. Limitation of Liability. The members of the commission, their officers and employees shall be exempt from civil liability for an act or omission done under the authority, or the color of authority, conferred by this title or by a rule, regulation, or order of the commission. However, they shall be liable to the State of Indiana for their acts and omissions.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-31 Implied powers

Sec. 31. Implied Powers. The commission and the chairman shall have, in addition to the express powers enumerated in this title, the authority to exercise all powers necessary and proper to carry out the policies of this title and to promote efficient administration by the commission.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-3-32 Group purchasing agreements; rules

Sec. 32. (a) The commission, by rule, may provide procedures whereby two (2) or more retailers and dealers may enter into a formal group purchasing agreement for the purpose of purchasing alcoholic beverages from permittees authorized to sell alcoholic beverages to them.

(b) If the commission exercises the power granted in subsection (a), the rule shall make provisions for at least the following:

- (1) the formal requirements of a group purchasing agreement;
- (2) the vesting of title to the alcoholic beverages purchased under a group purchasing agreement;
- (3) the transportation by retailers and dealers of the alcoholic beverages purchased under a group purchasing agreement;
- (4) the purchase and transportation of alcoholic beverages by retailers and dealers, whether they are parties to a group purchasing agreement or not, as a result of a service interruption or other emergency; and
- (5) the filing requirements of a group purchasing agreement or any amendments or additions thereto.

As added by P.L.85-1985, SEC.2.

IC 7.1-2-3-33 Investigations and penalties for violations relating to tobacco or electronic cigarettes

Sec. 33. The commission is authorized to:

- (1) investigate a violation of; and
- (2) enforce a penalty for a violation of;

IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11, IC 35-46-1-11.2, IC 35-46-1-11.4, IC 35-46-1-11.5, IC 35-46-1-11.7, or IC 35-46-1-11.8.

As added by P.L.177-1999, SEC.5. Amended by P.L.250-2003, SEC.5; P.L.214-2016, SEC.1; P.L.49-2020, SEC.2.

IC 7.1-2-3-34Expired

As added by P.L.186-2011, SEC.1. Expired 7-1-2012 by P.L.186-2011, SEC.1.

IC 7.1-2-4Chapter 4. Local Boards

- 7.1-2-4-1Local boards created
- 7.1-2-4-2Qualifications of appointed members
- 7.1-2-4-3Qualifications of designated members
- 7.1-2-4-4Repealed
- 7.1-2-4-5Composition
- 7.1-2-4-6Appointments
- 7.1-2-4-7Composition; two-cities exception
- 7.1-2-4-8Composition; no city exception
- 7.1-2-4-9Order of appointments
- 7.1-2-4-10Appointments; time limits
- 7.1-2-4-11Ad interim appointments
- 7.1-2-4-12Commission appointments
- 7.1-2-4-13Terms of office
- 7.1-2-4-13.5Training of members
- 7.1-2-4-14Local board organization
- 7.1-2-4-15Meetings
- 7.1-2-4-16Quorum and voting
- 7.1-2-4-17Compensation
- 7.1-2-4-18Additional compensation
- 7.1-2-4-19Mileage
- 7.1-2-4-20Oath of office
- 7.1-2-4-21Removal from office
- 7.1-2-4-22Oral comments at meetings

IC 7.1-2-4-1Local boards created

Sec. 1. Local Boards Created. There is hereby created in each county a local board to be known as the "Alcoholic Beverage Board of _____ County."

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-2Qualifications of appointed members

Sec. 2. An appointed member of a local board shall possess the following qualifications:

- (1) The person must be at least twenty-one (21) years of age.
- (2) The person must be a bona fide resident of the county in which the person is to serve for at least five (5) years immediately preceding the person's appointment.
- (3) The person may not have a conviction within ten (10) years before the date of appointment of:
 - (A) a federal crime having a sentence of at least one (1) year;
 - (B) an Indiana Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014); or
 - (C) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014).

However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.285-2019, SEC.8.

IC 7.1-2-4-3Qualifications of designated members

Sec. 3. (a) The designated member of a local board shall meet the following requirements:

- (1) The person must be an Indiana resident.
- (2) The person must be familiar with Indiana alcoholic beverage law.
- (3) The person may not have a conviction within ten (10) years before the date of appointment of:
 - (A) a federal crime having a sentence of at least one (1) year;
 - (B) an Indiana Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014); or
 - (C) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014).

However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9.

(b) The designated member may be an officer or employee of the commission.

[Pre-1973 Recodification Citation: 7-2-1-8.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.285-2019, SEC.9.

IC 7.1-2-4-4 Repealed

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1. Repealed by P.L.204-2001, SEC.68.

IC 7.1-2-4-5 Composition

Sec. 5. Composition. A local board shall be composed of four (4) members who are qualified for their positions according to this chapter, and who, other than the designated representative of the commission, do not hold other lucrative public office or employment.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-6 Appointments

Sec. 6. Appointments. A local board shall be composed of three (3) appointed members and one (1) designated member. One (1) of the appointed members shall be appointed by the board of county commissioners of the county in which the board is to perform its duties. One (1) of the appointed members shall be appointed by the county council of the county in which the board is to perform its duties. One (1) of the appointed members shall be appointed by the mayor of the city within the county having the largest population. The designated member of the board shall represent the commission and shall be designated by the commission.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-7 Composition; two-cities exception

Sec. 7. Composition: Two-Cities Exception. In a county in which there are located two (2) or more cities, each having a population of more than ten thousand (10,000), as to all applications for permits which apply to premises within the corporate limits of one (1) of the cities, the local board shall consist of the designated member, the appointed members appointed by the board of county commissioners and the county council, and a member appointed by the mayor of the effected city.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-8 Composition; no city exception

Sec. 8. If there is no city within a county, the executive of the town within the county having the largest population shall make the one (1) appointment to the local board normally made by the executive of the largest city.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.8-1989, SEC.33.

IC 7.1-2-4-9 Order of appointments

Sec. 9. The order of appointments to a local board shall be as follows:

- (1) The board of commissioners of a county shall make its appointment first.
- (2) The city or town executive, as the case may be, shall make the executive's appointment second.
- (3) The county fiscal body shall make its appointment third.
- (4) The commission shall designate its representative fourth.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.8-1989, SEC.34; P.L.4-1991, SEC.136.

IC 7.1-2-4-10 Appointments; time limits

Sec. 10. The county executive and fiscal body and the city or town executive, as the case may be, shall make their appointments to the local board within fifteen (15) days after being notified by the commission by registered mail to do so. The commission may extend this time limit by an additional fifteen (15) days.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.8-1989, SEC.35.

IC 7.1-2-4-11Ad interim appointments

Sec. 11. Ad Interim Appointments. The commission shall have the power to make an ad interim appointment to a local board if the required appointment is not made within the applicable time limit. An ad interim appointee shall have full power to act as a member of the local board for a period of sixty (60) days and as much longer as is required to complete an investigation or questionnaire begun during his temporary appointment.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-12Commission appointments

Sec. 12. Commission Appointments. The commission shall have the power to make an appointment to a local board if the required appointment is not made within one hundred (100) days following the mailing of the first notice requesting that the appointment be made.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-13Terms of office

Sec. 13. Terms of Office. The term of office of an appointed member, other than an ad interim appointee, shall be for one (1) year from the date of his appointment and until his successor is appointed and qualified. The designated representative of the commission shall not have any specific term on any particular local board.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-13.5Training of members

Sec. 13.5. (a) This section does not apply to a designated member of the local board who is an employee or officer of the commission.

(b) A local board member shall complete a training program conducted by the commission. A local board member may not be required to take a test or an examination or pay a fee in order to complete the training program.

(c) The training program must include training on all the following subjects:

- (1) An overview of Indiana alcoholic beverage law and enforcement.
- (2) Duties and responsibilities of the board concerning new permit applications, permit transfers, and renewal of existing permits.
- (3) The open door law (IC 5-14-1.5) and the public records law (IC 5-14-3).
- (4) Notice and hearing requirements.
- (5) The process for appeal of an adverse decision of the board.
- (6) Any other subject determined by the commission.

(d) A local board member must complete the training program not more than one hundred eighty (180) days after the member is appointed to the board. A local board member who does not complete the training program within the time allowed by this subsection shall be removed from the board under section 21 of this chapter.

As added by P.L.94-2008, SEC.6.

IC 7.1-2-4-14Local board organization

Sec. 14. Local Board Organization. A local board shall meet and organize immediately following the appointment of its members. The local board shall elect one (1) of its members to serve as president. The president shall preside at the meetings of the board and shall sign the minutes of meetings. The local board also shall elect one (1) of its members to serve as secretary. The secretary shall keep the minutes of meetings and other records, attest the signature of the president and perform other duties assigned to him by the board.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-15Meetings

Sec. 15. Meetings. Meetings of the local board shall be held in the office of the clerk of the circuit court, or at another place provided by the board of county commissioners. It shall be the duty of a

member to attend the meetings of his board and to discharge the duties of his office. Any member of a local board may administer oaths. A meeting of a local board called for the purpose of a public investigation of an application for a permit may be continued from day to day, or adjourned until a later meeting of the local board in the discretion of the designated representative of the commission.

[Pre-1973 Recodification Citations: 7-1-1-5(19); 7-1-1-11.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-16 Quorum and voting

Sec. 16. Quorum and Voting. Three (3) members of a local board shall constitute a quorum for the transaction of business. A local board may take action only upon the affirmative votes of at least three (3) of its members.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-17 Compensation

Sec. 17. Compensation. As compensation for services, an appointed member of a local board shall receive an annual salary in the amount of two hundred forty dollars (\$240), from the state, paid in twelve (12) equal, monthly installments.

[Pre-1973 Recodification Citations: 7-1-1-5(19); 7-2-4-1.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-18 Additional compensation

Sec. 18. Additional Compensation. An appointed member of a local board shall receive, in addition to the annual salary, compensation from the state at the rate of three dollars (\$3.00), for each application on which he is required to, and does, investigate and report. The additional compensation shall be paid within sixty (60) days after the required questionnaire has been completed in due form, signed by the member, and delivered to the commission in duplicate.

[Pre-1973 Recodification Citation: 7-2-4-1.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-19 Mileage

Sec. 19. An appointed member of a local board shall receive mileage at the same rate per mile as is provided for state employees in the state travel policies and procedures established by the department of administration and approved by the state budget agency for each mile, in excess of two (2) miles per day, traveled by him in necessary attendance at the meetings of the local board. The claim for mileage shall be certified by the member and filed with the commission. The claim for mileage shall be paid by the state at the expiration of sixty (60) days after the questionnaire covering an application investigated at the meeting of the local board in respect to which the mileage is claimed has been filled out and signed by the member.

[Pre-1973 Recodification Citation: 7-2-4-1.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.85-1985, SEC.3.

IC 7.1-2-4-20 Oath of office

Sec. 20. Oath of Office. An appointed member of a local board shall execute an oath of office in duplicate. One

(1) copy of the oath shall be filed in the office of the clerk of the circuit court of the judicial circuit in which the local board sits. The other copy shall be filed with the chairman.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-21 Removal from office

Sec. 21. Removal from Office. An appointed member of a local board may be removed from office only for good cause. The commission shall give the member a written copy of the charges against him and shall fix the time, which shall not be less than five (5) days thereafter, when the member may appear before the commission and show cause why he should not be removed. The commission shall establish procedures for the removal of an appointed member of a local board. The findings and determinations of the commission in respect to a removal shall be final.

[Pre-1973 Recodification Citation: 7-1-1-5(19).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-4-22 Oral comments at meetings

Sec. 22. (a) A local board shall allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. However, a local board may set a reasonable limit on the amount of time allowed to each individual to provide oral comment.

(b) A local board may give greater weight to oral comments provided by a person who:

- (1) owns or operates a business that is located; or
- (2) owns real property or resides;

not more than one thousand (1,000) feet from the location for which a permit is requested.

As added by P.L.94-2008, SEC.7.

IC 7.1-2-5 Chapter 5. Remedies: Searches, Seizures, Property Rights, Evidence, and Judicial Sales

- 7.1-2-5-1 Issuance of warrant
- 7.1-2-5-2 Service of warrant
- 7.1-2-5-3 Seizures
- 7.1-2-5-4 Disposition of articles pending judgment
- 7.1-2-5-5 Property rights limited
- 7.1-2-5-6 Certain property rights prohibited
- 7.1-2-5-7 Illegal transportation; property rights limited
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- 7.1-2-5-12 Oral evidence
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- 7.1-2-5-14 Sale of property seized from owner
- 7.1-2-5-15 Sale of property seized from non-owner
- 7.1-2-5-16 Rights of lien holders
- 7.1-2-5-17 Conduct of sale

IC 7.1-2-5-1 Issuance of warrant

Sec. 1. A judge of any court may issue a warrant to search a house or other place for alcohol, an alcoholic liquid or substance, a still, a distilling apparatus, a tobacco product, or another article that is being possessed, kept, sold, bartered, given away, used, or transported in violation of this title.

[Pre-1973 Recodification Citation: 7-1-1-34.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.1-1990, SEC.87; P.L.94-2008, SEC.8.

IC 7.1-2-5-2 Service of warrant

Sec. 2. Service of Warrant. The warrant shall be directed to the officer, agent, or employee of the commission who filed the affidavit for the warrant and otherwise it shall be directed to any officer who has the power to serve criminal process. The warrant shall be served by the person to whom it was issued in the daytime or nighttime and the return made within twenty (20) days from the date of issue.

[Pre-1973 Recodification Citation: 7-1-1-34.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-5-3 Seizures

Sec. 3. Seizures. The officer who serves the warrant shall seize any article described in the warrant and any other article that he may find during the search that is used in the violation of a provision of this title and hold them pending the disposition as may be ordered by the court in which a prosecution may be instituted for the violation of a provision of this title.

[Pre-1973 Recodification Citation: 7-1-1-34.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-5-4 Disposition of articles pending judgment

Sec. 4. An alcoholic beverage or a tobacco product seized pursuant to this chapter and any other article which may be found on the searched premises and taken under the warrant shall not be taken from the custody of the person who served the warrant by a writ of replevin or other process while the proceedings provided in this chapter are pending. A final judgment of conviction in that proceeding

shall be a bar in all cases to an action for recovery of the thing seized or the value of it or damages alleged to have arisen by reason of the seizing and detention of it.

[Pre-1973 Recodification Citation: 7-1-1-35.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.94-2008, SEC.9.

IC 7.1-2-5-5Property rights limited

Sec. 5. All rights of any kind in an alcoholic beverage or a tobacco product of any type, or in a container for an alcoholic beverage, or in an article, apparatus, package, fixture or utensil in which an alcoholic beverage or a tobacco product may be placed, or which is used in connection with it, or a vehicle or conveyance in which an alcoholic beverage or a tobacco product is being transported or which is used for the transportation of an alcoholic beverage or a tobacco product, shall at all times and under all circumstances by whomsoever held, owned, or possessed, be deemed qualified by the right of the state, the commission, and the chairman, to administer, execute and enforce the provisions of this title.

[Pre-1973 Recodification Citation: 7-1-1-36.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.94-2008, SEC.10.

IC 7.1-2-5-6Certain property rights prohibited

Sec. 6. A person shall have no property right of any kind in alcohol, an alcoholic beverage, a malt article, or a tobacco product had, kept, transported, or possessed contrary to law, or in or to a receptacle or container of any kind in which these liquids and articles may be found, or in an unlawful or prohibited receptacle or container, or in a receptacle or container which does not conform to or which is being used contrary to or which is not kept in conformity to a rule or regulation of the commission, or which is being used to contain an alcoholic beverage or tobacco product upon which a tax is due and unpaid, or an adulterated or misbranded alcoholic beverage, or which is being used in an unlawful practice, or a practice contrary to a rule or regulation of the commission.

[Pre-1973 Recodification Citation: 7-1-1-36.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.94-2008, SEC.11.

IC 7.1-2-5-7Illegal transportation; property rights limited

Sec. 7. A person who is interested in illegal transportation, or who has knowledge of it, shall have no right, title, or interest in or to a conveyance of any kind used for the illegal transportation of alcohol, alcoholic beverages, malt articles, or a tobacco product.

[Pre-1973 Recodification Citation: 7-1-1-36.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.94-2008, SEC.12.

IC 7.1-2-5-8Forfeiture to state

Sec. 8. An officer who makes an arrest for a violation of the provisions of this title shall seize the evidence of the commission of that violation, including any vehicle, automobile, boat, air or water craft, or other conveyance in which alcohol, alcoholic beverages, malt articles, or tobacco products are kept, possessed, or transported contrary to law, or contrary to a rule or regulation of the commission. The articles and vehicles mentioned in this section and in sections 5 through 7 of this chapter are hereby declared forfeited to the state and shall be seized.

[Pre-1973 Recodification Citation: 7-1-1-36.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.3-2008, SEC.68; P.L.94-2008, SEC.13.

IC 7.1-2-5-9Opinion evidence

Sec. 9. Opinion Evidence. Testimony concerning the appearance, taste or odor of a beverage or liquid shall be received in evidence in a criminal prosecution under this title, or in a proceeding before the commission or a local board. A witness, either lay or expert, may testify as to his opinion that a beverage or liquid which he has tasted, seen, smelled, or otherwise examined is a particular type of alcoholic beverage.

[Pre-1973 Recodification Citation: 7-1-1-39.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-5-10 Repealed

[Pre-1973 Recodification Citation: 7-1-1-39(2).]

Formerly: Acts 1973, P.L.55, SEC.1. Repealed by P.L.63-1990, SEC.1.

IC 7.1-2-5-11 Evidence of misbranding

Sec. 11. An unbroken bottle or container which contains, or has contained, liquor or wine and which bears a brand, label, trade-mark, name or other device, marking, inscription, or a reference to quality, nature, character, origin, or manufacturer of the alcoholic beverage contents of that bottle or container, that has been altered, defaced, restored, or upon which the tax stamp of the federal government has been forged, counterfeited, restored, or reused, or which brand, label, trade-mark, name or other device, marking or inscription does not truly describe the contents or former contents shall be received in evidence in a court as prima facie proof that the person chargeable with the possession of it either is, or was, or both, maintaining a public nuisance and either is, or was, or both, keeping and possessing misbranded or adulterated alcoholic beverages.

[Pre-1973 Recodification Citation: 7-1-1-39.]

Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.4. As amended by P.L.194-2021, SEC.20.

IC 7.1-2-5-12 Oral evidence

Sec. 12. The court shall receive oral testimony also upon a matter referred to in section 11 of this chapter for the purpose of showing a violation of this title whether the bottle or container is offered in evidence or not.

[Pre-1973 Recodification Citation: 7-1-1-39(2).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.1-2009, SEC.62; P.L.194-2021, SEC.21.

IC 7.1-2-5-13 Destroyed evidence

Sec. 13. If a fluid is poured out or otherwise destroyed or carried away by the tenant or other person when a premises is being searched, the fluid shall be held to be, prima facie, an alcoholic beverage held or possessed contrary to this title and intended for unlawful possession and sale. Proof of the possession of an empty bottle or container, keg, case and vessel that has contained a destroyed alcoholic beverage shall be admitted as evidence of the illegal possession of that alcoholic beverage.

[Pre-1973 Recodification Citation: 7-1-1-39(5).]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.194-2021, SEC.22.

IC 7.1-2-5-14 Sale of property seized from owner

Sec. 14. Sale of Property Seized from Owner. The court, upon conviction of the owner, shall order that personal property of any type seized under this title and which has been found to have been used, kept or possessed in violation of this title shall be sold by the chairman if the property has commercial value and may be purchased and used legally. The court shall order the chairman, or the sheriff, to destroy the property if it has no commercial value or cannot be purchased and used legally. However, the court shall enter its order of sale or destruction only after an opportunity has been given to the owner for a hearing concerning the proposed order.

[Pre-1973 Recodification Citation: 7-1-1-40.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-5-15 Sale of property seized from non-owner

Sec. 15. The court, upon the conviction of a person other than the owner, found in charge or possession of personal property seized under this title, or upon written petition of the chairman if no person is found in charge of or in possession of the seized property, and if the court, upon hearing, finds that any of the personal property was used, kept, or possessed in violation of this title, with the knowledge of the owner, shall order the property disposed of as provided in section 14 of this chapter. However, the court shall enter its order of sale or destruction only after an opportunity for a hearing has been given by not less than ten (10) days notice to the owner, if the owner is known, or if the owner is not known, then by notice of the seizure of the property, with a description of it, by publication one (1) time in a newspaper of general circulation published in the county seat of the county of the court having jurisdiction. If there is no newspaper published in the county seat, the notice shall be published in a

newspaper of a general circulation in the county. Notice published in a newspaper shall be given not less than ten (10) days prior to the time fixed for the hearing.

[Pre-1973 Recodification Citation: 7-1-1-40.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.97.

IC 7.1-2-5-16Rights of lien holders

Sec. 16. A lien holder, by intervention at a hearing as provided in section 14 or 15 of this chapter or in another proceeding brought for that purpose, at any time before the sale of property ordered sold, may have the lien holder's lien determined and the lien holder's priority fixed. Liens determined under this section shall be transferred to and attached to the proceeds of the sale of the property.

[Pre-1973 Recodification Citation: 7-1-1-40.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.98.

IC 7.1-2-5-17Conduct of sale

Sec. 17. Property ordered sold by a court under the provisions of section 14 or 15 of this chapter shall be sold by the chairman at public auction in any county in which he may deem it most advantageous to sell the property. The chairman shall give one (1) week's notice of the sale prior to the sale. The notice shall be published in the county seat of the county in which the sale is to be made. Property which has a commercial value and which may be lawfully purchased may be sold to any person. The proceeds of the sale, after deducting necessary costs and charges, including fees for publication, and payment of liens shall be paid to the chairman for deposit under IC 7.1-4-10-3.

[Pre-1973 Recodification Citation: 7-1-1-40.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.105-1995, SEC.4.

IC 7.1-2-6Chapter 6. Remedies: Public Nuisances

- 7.1-2-6-1Public nuisance; places
- 7.1-2-6-2Public nuisance; act
- 7.1-2-6-3Public nuisance; untaxed liquor
- 7.1-2-6-4Abatement of public nuisance
- 7.1-2-6-5Available remedies
- 7.1-2-6-6Evidence of federal tax payment
- 7.1-2-6-7Order of court
- 7.1-2-6-8Conditions of bond
- 7.1-2-6-9Recovery on bond
- 7.1-2-6-10Abatement upon conviction
- 7.1-2-6-11Injunction pending trial
- 7.1-2-6-12Action by commission
- 7.1-2-6-13Action by commission; representation
- 7.1-2-6-14Remedies cumulative

IC 7.1-2-6-1Public nuisance; places

Sec. 1. (a) The following are declared to be a public nuisance:

- (1) A room, a house, a building, a boat, a structure, an automobile, other vehicle, or place of any kind where at least one (1) of the following occurs:
 - (A) An alcoholic beverage of any type is sold, possessed, manufactured, bartered, or given away in violation of law or a rule of the commission.
 - (B) A person is permitted to resort for the purpose of drinking an alcoholic beverage of any type in violation of law.
- (2) A place where alcoholic beverages are kept for sale, barter, or gift in violation of law or in violation of a rule of the commission, and all alcoholic beverages and all other property kept in and used in maintaining a place.
- (3) The business property of a person who knowingly or intentionally sells, possesses, manufactures, barters, or gives away alcoholic beverages in violation of law or a rule of the commission.

(b) The plaintiff in an action to abate a public nuisance under subsection (a)(3) must prove that the owner of the business had actual knowledge of the actions alleged to constitute a nuisance.

(c) In determining whether the owner of a business should be held liable for failing to abate a public nuisance under subsection (a)(3), the court shall consider the efforts the owner of the business took to abate the public nuisance, including whether the police department that serves the business owner's property had been notified by the business owner or the owner's employee of the actions alleged to constitute the public nuisance.

[Pre-1973 Recodification Citation: 7-1-1-37.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.52-1994, SEC.1.

IC 7.1-2-6-2Public nuisance; acts

Sec. 2. Public Nuisance: Acts. An act or practice, or manner of conducting a business by a permittee contrary to a provision of this title or to a rule or regulation of the commission, or by a person not a permittee contrary to a provision of this title, shall also constitute a public nuisance if done, carried on, or permitted to take place in a building or upon a premises in or on which an alcoholic beverage is possessed, kept, stored, or consumed, or upon a vehicle, or conveyance in or on which an alcoholic beverage is being kept, stored, consumed, conveyed, transported, or imported into this state contrary to this title, or contrary to a rule or regulation of the commission.

[Pre-1973 Recodification Citation: 7-1-1-37.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.137-2021, SEC.12.

IC 7.1-2-6-3Public nuisance; untaxed liquor

Sec. 3. Public Nuisance: Untaxed Liquor. A malt article, liquid, alcoholic beverage, or container of a substance or beverage in respect to which an excise tax or license fee is imposed under this title and upon which the tax or fee has not been paid, the receptacle in which it is contained and the premises where it is kept or hidden shall constitute a public nuisance.

[Pre-1973 Recodification Citation: 7-1-1-37.]

Formerly: Acts 1973, P.L.55, SEC.1; Acts 1973, P.L.56, SEC.5.

IC 7.1-2-6-4Abatement of public nuisance

Sec. 4. Abatement of Public Nuisance. The commission, the chairman, the attorney general, a prosecuting attorney, a permittee authorized to sell alcoholic beverages within the county in which a common nuisance exists, kept, or maintained, or a number of permittees authorized to sell alcoholic beverages within the county or elsewhere within the state, or a taxpayer of the county, may maintain an action in the name of the state to abate and perpetually enjoin a public nuisance, or to abate, or enjoin, or both, a practice, or conduct of a person, whether a permittee or not, in violation of this title or a rule or regulation of the commission.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-6-5Available remedies

Sec. 5. Available Remedies. The plaintiff in an action to abate a public nuisance shall not be required to give bond in the action. A temporary restraining order, a preliminary injunction, a permanent injunction, and other appropriate relief may be granted in this action as is allowed by the Indiana Rules of Civil Procedure.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-6-6Evidence of federal tax payment

Sec. 6. Evidence of Federal Tax Payment. The payment of a federal government special tax by a person, or the possession by him of a stamp or receipt issued to him by the federal government, either as a retail dealer, or as a wholesale dealer in alcoholic beverages, or the possession by him, or the posting by him upon the premises of a stamp, certificate, permit or license issued under the authority of the United States authorizing him to deal in alcoholic beverages shall be prima facie evidence that the named person is engaged in possessing, selling, transporting, giving away or furnishing alcoholic beverages on the covered premises. This section shall apply in a criminal prosecution under this title or in an action to abate or enjoin a public nuisance or unlawful practice or a practice prohibited by a rule or regulation of the commission.

[Pre-1973 Recodification Citation: 7-1-1-39(3).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-6-7 Order of court

Sec. 7. Order of Court. The court shall order upon final judgment against the defendant that the room, house, building, structure, boat or place of any kind shall be closed for a period of one (1) year. However, the court may order in the alternative that the premises be closed for only a part of the one (1) year period or until the owner, lessee, tenant, or occupant of the premises gives bond with sufficient surety to be approved by the court making the order, in a penal sum of not less than one thousand dollars (\$1,000), payable to the State of Indiana.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-6-8 Conditions of bond

Sec. 8. The bond required by section 7 of this chapter shall be conditioned that an alcoholic beverage will not thereafter be manufactured, possessed, sold, bartered, given away, furnished, or otherwise disposed of in or on the public nuisance, or kept in or on it with the intent to sell, barter, give away, or otherwise dispose of it contrary to law or to a rule or regulation of the commission. The bond shall be conditioned also that the unlawful conduct or practice, or conduct of another person, whether a permittee or not, the violation of this title or of a rule or regulation of the commission, will not be permitted on or in the premises. The bond shall be conditioned further that the defendant will pay all fines, costs, and damages against the defendant for the violation of this title.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.99.

IC 7.1-2-6-9 Recovery on bond

Sec. 9. Recovery on Bond. The whole amount of the bond filed under this chapter may be recovered as a penalty if a condition of the bond is violated. The penalty recovered shall be for the use of the city or town, or if outside the limits of a city or town, then to the county, in which the premises are situated.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-6-10 Abatement upon conviction

Sec. 10. Abatement Upon Conviction. A person may file a complaint with the circuit or criminal court of the county in which the offense was committed in a case in which a person has been convicted of a violation of this title, to abate as a public nuisance the real estate or other property involved in the commission of the offense or to enjoin the unlawful conduct or practice on or in the premises. In an abatement action under this section, a certified copy of the record of conviction shall be admissible in evidence and prima facie evidence that the room, house, building, boat, structure, automobile, or other vehicle, or place of any kind set forth and described in the complaint is a public nuisance.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-6-11 Injunction pending trial

Sec. 11. Injunction Pending Trial. An action seeking relief through an injunction or abatement may be begun, carried on and concluded prior to or during the pending of the criminal prosecution of a defendant arising from or in connection with, or on, or at the room, house, building, boat, structure, automobile, or other vehicle, or place of any kind set out and described in the complaint for the action seeking relief through an injunction or abatement.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-6-12 Action by commission

Sec. 12. Action by Commission. The commission may enforce a provision of this title or a rule or regulation of the commission against a permittee either by way of seeking a writ of mandate mandating the defendant to comply with a rule or regulation of the commission or by an action for an injunction enjoining a permittee from violating a rule or regulation of the commission whether the conduct of the defendant does or does not constitute a public nuisance within the meaning of this

title. A temporary restraining order, preliminary injunction, and a permanent injunction may be granted in such an action without a bond being filed by the plaintiff.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-6-13 Action by commission; representation

Sec. 13. An action authorized by section 12 of this chapter shall be brought in the name of the State of Indiana on the relation of the commission. The commission may be represented by an attorney selected by it, or by the attorney general, or by a deputy or assistant attorney general assigned by the attorney general for the purpose of instituting or conducting the action, or by both.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.100.

IC 7.1-2-6-14 Remedies cumulative

Sec. 14. The remedies authorized by IC 7.1-2-5, and by this chapter are cumulative and in no sense shall one (1) of the remedies exclude another. The remedies provided in this article shall not limit or remove the power of the commission to revoke a permit.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.101.

IC 7.1-2-7 Chapter 7. Prevention of Discrimination Against Indiana Products

- 7.1-2-7-1 Power of commission
- 7.1-2-7-2 Investigations
- 7.1-2-7-3 Entrance of orders
- 7.1-2-7-4 Scope of orders
- 7.1-2-7-5 Hearing of aggrieved party
- 7.1-2-7-6 When order becomes final
- 7.1-2-7-7 Conduct of hearing; appearance by corporation
- 7.1-2-7-8 Findings
- 7.1-2-7-9 Reciprocity agreements

IC 7.1-2-7-1 Power of commission

Sec. 1. Power of Commission. The commission shall have the duty to make and enter orders with respect to alcoholic beverages manufactured, processed, or transported from, outside this state and imported into this state as will most effectively produce the discontinuance of discrimination by another state, territory, district, political subdivision, municipality, or person against alcoholic beverages produced in Indiana.

[Pre-1973 Recodification Citation: 7-1-3-1.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-7-2 Investigations

Sec. 2. Investigations. The commission, from time to time, either on its own initiative or on complaint of a resident of this state, shall make, or cause to be made, investigations of the laws, rules, regulations, ordinances and practices of the several states, territories, districts, political subdivisions and municipalities of the United States outside the State of Indiana, relating to alcoholic beverages manufactured or processed in or exported from, this state. The purpose of these investigations shall be to determine whether these laws, rules, regulations, ordinances and practices unfairly or unreasonably discriminate against alcoholic beverages manufactured or processed in or exported from this state, or in favor of a person outside this state.

[Pre-1973 Recodification Citation: 7-1-3-3.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-7-3 Entrance of orders

Sec. 3. Entrance of Orders. If, upon investigation, the commission finds that discrimination does exist, it shall make and enter one (1) of the following orders: (a) prohibiting the importation, transportation, purchase, receipt, sale, delivery, distribution, or possession into or within this state, of alcoholic beverages, or one (1) or more classes of them, manufactured or processed in or by, or

exported from, the place or person outside this state, as in its opinion will produce most effectively the discontinuance of the discrimination; or,

(b) providing for a levy, assessment, collection and imposition of additional taxes, licenses, fees and restrictions upon or in connection with the privilege of importing, transporting, purchasing, receiving, selling, delivering, distributing or possessing, into or within this state, of alcoholic beverages, or one (1) or more classes of them, which are manufactured or processed in or by, or imported, transported or received from, a place or person outside this state, as in its opinion will produce most effectively the discontinuance of the discrimination.

[Pre-1973 Recodification Citation: 7-1-3-3.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-7-4 Scope of orders

Sec. 4. The commission, in making an order under section 3 of this chapter, shall not be limited to the products of the particular state, territory, district, political subdivision, municipality or person in which or in whose favor the discrimination is found to exist. The commission may include in its order the alcoholic beverages, or a class of them, manufactured or processed in or by, or imported, transported, or received from any other place or person outside this state, as in its opinion will produce most effectively the discontinuance of the discrimination.

[Pre-1973 Recodification Citation: 7-1-3-3.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.102.

IC 7.1-2-7-5 Hearing of aggrieved party

Sec. 5. Hearing of Aggrieved Party. A resident of this state who is aggrieved by an order of the commission entered under this chapter, may file, within thirty (30) days after the entrance of the order, his written complaint with the commission asking that the order be vacated or modified on the ground that it is unreasonable, insufficient, or unlawful. The petitioner shall set out in his complaint the facts and reasons on which his claim is based. The complaint shall be set for hearing before the commission not less than thirty (30), nor more than sixty (60), days after it is filed.

[Pre-1973 Recodification Citation: 7-1-3-4.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-7-6 When order becomes final

Sec. 6. An order of the commission entered under this chapter shall become final and shall not thereafter be open to attack for any purpose if a complaint is not filed pursuant to section 5 of this chapter within thirty (30) days after the entrance of the order.

[Pre-1973 Recodification Citation: 7-1-3-4.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.86-2018, SEC.103.

IC 7.1-2-7-7 Conduct of hearing; appearance by corporation

Sec. 7. (a) The commission shall have the power to make and establish rules for the admission of evidence and the conduct of the hearing, as in its opinion will serve best the purpose of the hearing. The attorney general of the state shall appear at the hearing and represent the commission in the defense of its order.

(b) A corporation that is a party in any proceeding before the commission may elect to appear either by counsel or by the personal appearance of any of its corporate officers.

[Pre-1973 Recodification Citation: 7-1-3-4.]

Formerly: Acts 1973, P.L.55, SEC.1. As amended by P.L.78-1986, SEC.2.

IC 7.1-2-7-8 Finding

Sec. 8. Findings. The commission, at the conclusion of the hearing and within ten (10) days after it, shall make and enter its findings and decision vacating, modifying, or affirming its order. These findings and decision shall be final and conclusive as to all matters contained in them. The order of the commission shall be and remain in full force unless the commission, for good reason and by appropriate entry, rescinds it, or suspends its effective date.

[Pre-1973 Recodification Citation: 7-1-3-4.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-7-9 Reciprocity agreements

Sec. 9. Reciprocity Agreements. The commission may enter into a reciprocity agreement with another state, territory, district, political subdivision, or municipality outside this state, regarding the importation, exportation, transportation, sale, purchase, receipt, delivery, distribution or possession of alcoholic beverages. The reciprocity agreement may be made for the purpose of promoting the economic welfare of the citizens of, and of industry and labor in, this state, and for the purpose of preventing or discouraging discrimination against alcoholic beverages manufactured or processed in, or exported from, this state. The agreement may provide also for the remission of any additional taxes or fees levied pursuant to an order made and entered under the authority of this chapter. However, the commission shall not have the authority to enter into an agreement which will in any manner violate, change or modify a law of this state.

[Pre-1973 Recodification Citation: 7-1-3-6.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-8 Chapter 8. Jurisdiction and Miscellaneous Judicial Proceedings

7.1-2-8-1 Jurisdiction; general rule

7.1-2-8-2 Jurisdiction restricted

7.1-2-8-3 Declaratory judgment

7.1-2-8-4 Judicial notice

IC 7.1-2-8-1 Jurisdiction; general rule

Sec. 1. Jurisdiction: General Rule. An action brought against the commission, or against the chairman as the chairman, shall be brought in the circuit or superior court of Marion County unless otherwise specifically provided in this title.

[Pre-1973 Recodification Citation: 7-1-1-42(j).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-8-2 Jurisdiction restricted

Sec. 2. Jurisdiction Restricted. Except as otherwise provided in this title, a person shall not bring an action against the State of Indiana, the commission, the chairman, or the chairman pro tempore, based upon a claim arising from the collection of money received by the state in connection with the administration or enforcement of a provision of this title. The consent of the State of Indiana is hereby expressly withdrawn and denied in such an action and no court shall have jurisdiction in such an action.

[Pre-1973 Recodification Citation: 7-2-1-16.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-8-3 Declaratory judgment

Sec. 3. Declaratory Judgment. The commission shall have the authority also to initiate, in the name of the State of Indiana on the relation of the commission, an action to obtain a declaratory judgment as to the meaning, application, or constitutionality of a provision of this title or of a rule or regulation of the commission or an order of the commission. The action shall be brought in any court having civil jurisdiction within Marion County against a permittee or other person. The proceedings shall conform to the Indiana Rules of Civil Procedure concerning declaratory judgments.

[Pre-1973 Recodification Citation: 7-1-1-38.]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 7.1-2-8-4 Judicial notice

Sec. 4. Judicial Notice. A court shall take judicial notice of the signature of the chairman and of the seal of the commission. A court shall take judicial notice, also, of a document, paper, record, or instrument, or copy of these, duly authenticated, as prescribed in the rules and regulations of the commission.

[Pre-1973 Recodification Citation: 7-1-1-39(4).]

Formerly: Acts 1973, P.L.55, SEC.1.

IC 16-42-19-11 Sale of legend drug unlawful; conditions; exceptions

Sec. 11. (a) Except as provided in section 21 of this chapter, a person may not sell a legend drug unless either of the following conditions exist:

- (1) Except as provided in subsection (b), the legend drug is dispensed by a pharmacist upon an original prescription or drug order with the drug product specified on the prescription or drug order or by the authorization of the practitioner and there is affixed to the immediate container in which the drug is delivered a label bearing the following:
 - (A) The name, address, and phone number of the establishment from which the drug was dispensed.
 - (B) The date on which the prescription for the drug was filled
 - (C) The number of the prescription as filed in the prescription files of the pharmacist who filled the prescription.
 - (D) The name of the practitioner who prescribed the drug.
 - (E) The name of the patient, or if the drug was prescribed for an animal, a statement of the species of the animal.
 - (F) The directions for the use of the drug as contained in the prescription.
 - (G) If the drug contains or is derived from opium, a statement that the drug is an opioid.
- (2) The legend drug is delivered by the practitioner in good faith in the course of practice and the immediate container in which the drug is delivered bears a label on which appears the following:
 - (A) The directions for use of the drug.
 - (B) The name and address of the practitioner.
 - (C) The name of the patient.
 - (D) If the drug is prescribed for an animal, a statement of the species of the animal.

This section does not prohibit a practitioner from delivering professional samples of legend drugs in their original containers in the course of the practitioner's practice when oral directions for use are given at the time of delivery.

(b) Notwithstanding subsection (a)(1), the following apply:

- (1) A pharmacist at a hospital licensed under IC 16-21 may fill a drug order for a legend drug with a drug product allowed under the hospital's policies and procedures for the use, selection, and procurement of drugs.
- (2) A pharmacist who fills a prescription for a legend drug must comply with IC 16-42-22 and IC 25-26-16.

IC 16-42-19-12 Refilling prescription or drug order

Sec. 12. Except as authorized under IC 25-26-13-25(d), a person may not refill a prescription or drug order for a legend drug except in the manner designated on the prescription or drug order or by the authorization of the practitioner.

IC 16-42-19-13 Possession or use of legend drug or precursor

Sec. 13. A person may not possess or use a legend drug or a precursor unless the person obtains the drug:

- (1) on the prescription or drug order of a practitioner;
- (2) in accordance with section 11(2) or 21 of this chapter; or
- (3) in accordance with rules adopted by the board of pharmacy under IC 25-26-23.

IC 16-42-19-16 Unlawful acts

Sec. 16. Except as provided in section 30 of this chapter, a person may not do any of the following:

- (1) Obtain or attempt to obtain a legend drug or procure or attempt to procure the administration of a legend drug by any of the following:
 - (A) Fraud, deceit, misrepresentation, or subterfuge.

- (B) The forgery or alteration of a prescription, drug order, or written order.
- (C) The concealment of a material fact.
- (D) The use of a false name or the giving of a false address.
- (2) Communicate information to a physician in an effort unlawfully to procure a legend drug or unlawfully to procure the administration of a legend drug. Such a communication is not considered a privileged communication.
- (3) Intentionally make a false statement in a prescription, drug order, order, report, or record required by this chapter.
- (4) For the purpose of obtaining a legend drug, falsely assume the title of or represent oneself to be a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other person.
- (5) Make or utter a false or forged prescription or false drug order or forged written order.
- (6) Affix a false or forged label to a package or receptacle containing legend drugs. This subdivision does not apply to law enforcement agencies or their representatives while engaged in enforcing this chapter.
- (7) Dispense a legend drug except as provided in this chapter.

Offenses Relating to Controlled Substances

IC 35-48-4-1 Dealing in cocaine or narcotic drug

Sec. 1. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; or

- (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;

cocaine or a narcotic drug, pure or adulterated, classified in schedule I or II; commits dealing in cocaine or a narcotic drug, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

- (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
- (2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 4 felony if:

- (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams;
- (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies; or
- (3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams.

(d) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams;
- (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies;
- (3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams but less than twelve (12) grams; or
- (4) the drug is heroin and:

(A) the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least three (3) grams but less than seven (7) grams; and

(B) an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams;

(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies;

(3) the drug is heroin and the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least twelve (12) grams; or

(4) the drug is heroin and:

(A) the amount of heroin involved, aggregated over a period of not more than ninety (90) days, is at least seven (7) grams but less than twelve (12) grams; and

(B) an enhancing circumstance applies.

IC 35-48-4-1.1 Dealing in methamphetamine

Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) delivers; or

(B) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

(A) deliver; or

(B) finance the delivery of;

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to deliver or finance the delivery of the drug; or

(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

(1) the amount of the drug involved is at least ten (10) grams; or

(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.

IC 35-48-4-1.2 Manufacturing methamphetamine

Sec. 1.2. (a) A person who knowingly or intentionally manufactures or finances the manufacture of methamphetamine, pure or adulterated, commits manufacturing methamphetamine, a Level 4 felony, except as provided in subsections (b) and (c).

(b) The offense is a Level 3 felony if:

(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or

or

- (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.
- (c) The offense is a Level 2 felony if:
 - (1) the amount of the drug involved is at least ten (10) grams;
 - (2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies;
 - (3) the manufacture of the drug results in serious bodily injury to a person other than the manufacturer; or
 - (4) the manufacture of the drug results in the death of a person other than the manufacturer.

IC 35-48-4-1.5 Dealing in a controlled substance by a practitioner

Sec. 1.5. A practitioner (as defined by IC 16-42-19-5) who knowingly or intentionally prescribes a schedule I, II, III, IV, or V controlled substance without a legitimate medical purpose commits dealing in a controlled substance by a practitioner, a Level 4 felony. However, the offense is a Level 3 felony if the offense is the proximate cause of another person's death.

IC 35-48-4-2 Dealing in a schedule I, II, or III controlled substance or controlled substance analog

- Sec. 2. (a) A person who:
- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;
 a controlled substance or controlled substance analog, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, or salvia; or
 - (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
 a controlled substance or controlled substance analog, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, or salvia;
- commits dealing in a schedule I, II, or III controlled substance, a Level 6 felony, except as provided in subsections (b) through (f).
- (b) A person may be convicted of an offense under subsection (a)(2) only if:
 - (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
 - (2) the amount of the drug involved is at least twenty-eight (28) grams.
 - (c) The offense is a Level 5 felony if:
 - (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
 - (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.
 - (d) The offense is a Level 4 felony if:
 - (1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or
 - (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.
 - (e) The offense is a Level 3 felony if:
 - (1) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams; or

- (2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.
- (f) The offense is a Level 2 felony if:
 - (1) the amount of the drug involved is at least twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams and an enhancing circumstance applies.

IC 35-48-4-3 Dealing in a schedule IV controlled substance or controlled substance analog

Sec. 3. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;

a controlled substance or controlled substance analog, pure or adulterated, classified in schedule IV; or

- (2) possesses, with intent to manufacture or deliver, a controlled substance or controlled substance analog, pure or adulterated, classified in schedule IV;

commits dealing in a schedule IV controlled substance, a Class A misdemeanor, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

- (1) there is evidence in addition to the weight of the drug that the person intended to manufacture or deliver the controlled substance or controlled substance analog; or
- (2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Level 6 felony if:

- (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
- (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 5 felony if:

- (1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or
- (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 4 felony if:

- (1) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams and an enhancing circumstance applies.

IC 35-48-4-4 Dealing in a schedule V controlled substance or controlled substance analog

Sec. 4. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;

a controlled substance or controlled substance analog, pure or adulterated, classified in schedule V; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a controlled substance or controlled substance analog, pure or adulterated, classified in schedule V;

commits dealing in a schedule V controlled substance, a Class B misdemeanor, except as provided in subsections (b) through (f).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or

(2) the amount of the drug involved is at least twenty-eight (28) grams.

(c) The offense is a Class A misdemeanor if:

(1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or

(2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 6 felony if:

(1) the amount of the drug involved is at least five (5) grams but less than ten (10) grams; or

(2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 5 felony if:

(1) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams; or

(2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.

(f) The offense is a Level 4 felony if:

(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) grams but less than twenty-eight (28) grams and an enhancing circumstance applies.

IC 35-48-4-4.1 Dumping controlled substance waste

Sec. 4.1. (a) A person who dumps, discharges, discards, transports, or otherwise disposes of:

(1) chemicals, knowing the chemicals were used in the illegal manufacture of a controlled substance or an immediate precursor; or

(2) waste, knowing that the waste was produced from the illegal manufacture of a controlled substance or an immediate precursor; commits dumping controlled substance waste, a Level 6 felony.

(b) It is not a defense in a prosecution under subsection (a) that the person did not manufacture the controlled substance or immediate precursor.

IC 35-48-4-4.6 Unlawful delivery, manufacture, distribution, or possession of a substance represented to be a controlled substance; factors

Sec. 4.6. (a) A person who knowingly or intentionally:

- (1) delivers;
 - (2) finances the delivery of;
 - (3) manufactures;
 - (4) finances the manufacture of;
 - (5) advertises;
 - (6) distributes; or
 - (7) possesses with intent to deliver, finance the delivery of, manufacture, finance the manufacture of, advertise, or distribute; a substance represented to be a controlled substance commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior unrelated conviction under this chapter.
- (b) A person may be convicted of an offense under subsection (a)(7) only if:
- (1) there is evidence in addition to the weight of the substance that the person intended to deliver, finance the delivery of, manufacture, finance the manufacture of, advertise, or distribute the substance; or
 - (2) the amount of the substance involved is at least twenty-eight (28) grams.
- (c) A person who knowingly or intentionally possesses a substance represented to be a controlled substance commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous conviction under this chapter.
- (d) In any prosecution brought under this section it is not a defense that the person believed the substance actually was a controlled substance.
- (e) This section does not apply to the following:
- (1) The manufacture, financing the manufacture of, processing, packaging, distribution, or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.
 - (2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.
 - (3) The retention of production samples of noncontrolled substances produced before September 1, 1986, where such samples are required by federal law.
- (f) For purposes of this section, a substance represented to be a controlled substance includes any substance, other than a controlled substance or a drug for which a prescription is required under federal or state law, that:
- (1) is expressly or impliedly represented to be a controlled substance;
 - (2) is distributed under circumstances that would lead a reasonable person to believe that the substance is a controlled substance; or
 - (3) by overall dosage unit appearance, including shape, color, size, markings or lack of markings, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe the substance is a controlled substance.
- (g) In determining whether the representations described in subsection (f)(1) have been made, or whether the circumstances of distribution exist as described in subsection (f)(2), the trier of fact may consider the following:
- (1) The overall appearance of a dosage unit of the substance, including its shape, color, size, markings or lack of markings, taste, consistency, and any other identifying physical characteristics.

- (2) How the substance is packaged for sale or distribution, including the shape, color, size, markings or lack of markings, and any other identifying physical characteristics of the packaging.
- (3) Any statement made by the owner or person in control of the substance concerning the substance's nature, use, or effect.
- (4) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance is a controlled substance.
- (5) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance may be resold for profit.
- (6) The overall circumstances under which the substance is distributed, including whether:
 - (A) the distribution included an exchange of, or demand for, money or other property as consideration; and
 - (B) the amount of the consideration was substantially greater than the reasonable retail market value of the substance.
- (7) Any other relevant factors.

IC 35-48-4-5 Dealing in a counterfeit substance

Sec. 5. A person who:

- (1) knowingly or intentionally:
 - (A) creates;
 - (B) delivers; or
 - (C) finances the delivery of;
 a counterfeit substance; or
- (2) possesses, with intent to:
 - (A) deliver; or
 - (B) finance the delivery of;
 a counterfeit substance;

commits dealing in a counterfeit substance, a Level 6 felony. However, a person may be charged with dealing in a counterfeit substance if the person intended to deliver or finance the delivery of the counterfeit substance.

IC 35-48-4-6 Possession of cocaine or narcotic drug

Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II, commits possession of cocaine or a narcotic drug, a Level 6 felony, except as provided in subsections (b) through (d).

- (b) The offense is a Level 5 felony if:
 - (1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or
 - (2) the amount of the drug involved is less than five (5) grams and an enhancing circumstance applies.
- (c) The offense is a Level 4 felony if:
 - (1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.
- (d) The offense is a Level 3 felony if:
 - (1) the amount of the drug involved is at least twenty-eight (28) grams; or
 - (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

IC 35-48-4-6.1 Possession of methamphetamine

Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Level 6 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 5 felony if:

- (1) the amount of the drug involved is at least five (5) but less than ten (10) grams; or
- (2) the amount of the drug involved is less than five (5) grams and an enhancing circumstance applies.

(c) The offense is a Level 4 felony if:

- (1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least five (5) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least twenty-eight (28) grams; or
- (2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

IC 35-48-4-7 Possession of a controlled substance or controlled substance analog; obtaining a schedule V controlled substance

Sec. 7. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses a:

- (1) controlled substance (pure or adulterated); or
- (2) controlled substance analog (pure or adulterated);

classified in schedule I, II, III, or IV, except marijuana, hashish, or salvia, commits possession of a controlled substance, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is a Level 6 felony if the person commits the offense and an enhancing circumstance applies.

(c) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally obtains:

- (1) more than four (4) ounces of schedule V controlled substances containing codeine in any given forty-eight (48) hour period unless pursuant to a prescription;
- (2) a schedule V controlled substance pursuant to written or verbal misrepresentation; or
- (3) possession of a schedule V controlled substance other than by means of a prescription or by means of signing an exempt narcotic register maintained by a pharmacy licensed by the Indiana state board of pharmacy; commits a Class A misdemeanor.

IC 35-48-4-8.1 Manufacture of paraphernalia

Sec. 8.1. (a) A person who manufactures, finances the manufacture of, or designs an instrument, a device, or other object that is intended to be used primarily for:

- (1) introducing into the human body a controlled substance;
- (2) testing the strength, effectiveness, or purity of a controlled substance; or
- (3) enhancing the effect of a controlled substance;

in violation of this chapter commits a Class A infraction for manufacturing paraphernalia.

(b) A person who:

- (1) knowingly or intentionally violates this section; and
- (2) has a previous judgment for violation of this section;

commits manufacture of paraphernalia, a Level 6 felony.

IC 35-48-4-8.3 Possession of paraphernalia

Sec. 8.3. (a) This section does not apply to a rolling paper.

(b) A person who knowingly or intentionally possesses an instrument, a device, or another object that the person intends to use for:

- (1) introducing into the person's body a controlled substance;
- (2) testing the strength, effectiveness, or purity of a controlled substance; or
- (3) enhancing the effect of a controlled substance;

commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated judgment or conviction under this section.

IC 35-48-4-8.5 Dealing in paraphernalia

Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:

- (1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (3) enhancing the effect of a controlled substance;
- (4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance by individuals; or
- (6) any purpose announced or described by the seller that is in violation of this chapter;

commits a Class A infraction for dealing in paraphernalia.

(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated judgment or conviction under this section.

(c) This section does not apply to the following:

- (1) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.
- (2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.
- (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides a syringe or needle as part of a program under IC 16-41-7.5.
- (4) Any entity or person that provides funding to a qualified entity (as defined in IC 16-41-7.5-3) to operate a program described in IC 16-41-7.5.

IC 35-48-4-10 Dealing in marijuana, hash oil, hashish, or salvia

Sec. 10. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;

marijuana, hash oil, hashish, or salvia, pure or adulterated; or

(2) possesses, with intent to:

- (A) manufacture;

- (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
- marijuana, hash oil, hashish, or salvia, pure or adulterated;
- commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).
- (b) A person may be convicted of an offense under subsection (a)(2) only if:
 - (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
 - (2) the amount of the drug involved is at least:
 - (A) ten (10) pounds, if the drug is marijuana; or
 - (B) three hundred (300) grams, if the drug is hash oil, hashish, or salvia.
 - (c) The offense is a Level 6 felony if:
 - (1) the person has a prior conviction for a drug offense and the amount of the drug involved is:
 - (A) less than thirty (30) grams of marijuana; or
 - (2) less than five (5) grams of hash oil, hashish, or salvia; or the amount of the drug involved is:
 - (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
 - (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia.
 - (d) The offense is a Level 5 felony if:
 - (1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:
 - (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
 - (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia;
 - (2) the:
 - (A) amount of the drug involved is:
 - (i) at least ten (10) pounds of marijuana; or
 - (ii) at least three hundred (300) grams of hash oil, hashish, or salvia; or
 - (B) offense involved a sale to a minor; or
 - (3) the:
 - (A) person is a retailer;
 - (B) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and
 - (C) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.

IC 35-48-4-10.1 Dealing in smokable hemp

Sec. 10.1. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers;
 - (D) finances the delivery of; or
 - (E) possesses;

smokable hemp; or

- (2) possesses smokable hemp with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;

- (C) deliver; or
 - (D) finance the delivery of;
- smokable hemp; commits dealing in smokable hemp, a Class A misdemeanor.
- (b) Subsection (a)(1)(B), (a)(1)(D), (a)(2)(B), and (a)(2)(D) do not apply to:
- (1) a financial institution organized or reorganized under the laws of Indiana, any other state, or the United States; or
 - (2) any agency or instrumentality of the state or the United States.

IC 35-48-4-11 Possession of marijuana, hash oil, hashish, or salvia

- Sec. 11. (a) A person who:
- (1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;
 - (2) knowingly or intentionally grows or cultivates marijuana; or
 - (3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;
- commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).
- (b) The offense described in subsection (a) is a Class A misdemeanor if:
- (1) the person has a prior conviction for a drug offense; or
 - (2) the:
 - (A) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and
 - (B) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.
- (c) The offense described in subsection (a) is a Level 6 felony if:
- (1) the person has a prior conviction for a drug offense; and
 - (2) the person possesses:
 - (A) at least thirty (30) grams of marijuana; or
 - (B) at least five (5) grams of hash oil, hashish, or salvia.

IC 35-48-4-14 Offenses relating to registration labeling and prescription forms

- Sec. 14. (a) A person who:
- (1) is subject to IC 35-48-3 and who recklessly, knowingly, or intentionally distributes or dispenses a controlled substance in violation of IC 35-48-3;
 - (2) is a registrant and who recklessly, knowingly, or intentionally:
 - (A) manufactures; or
 - (B) finances the manufacture of;
 a controlled substance not authorized by the person's registration or distributes or dispenses a controlled substance not authorized by the person's registration to another registrant or other authorized person;
 - (3) recklessly, knowingly, or intentionally fails to make, keep, or furnish a record, a notification, an order form, a statement, an invoice, or information required under this article; or
 - (4) recklessly, knowingly, or intentionally refuses entry into any premises for an inspection authorized by this article;
- commits a Level 6 felony.
- (b) A person who knowingly or intentionally:
- (1) distributes as a registrant a controlled substance classified in schedule I or II, except under an order form as required by IC 35-48-3;
 - (2) uses in the course of the:

- (A) manufacture of;
- (B) the financing of the manufacture of; or
- (C) distribution of;

a controlled substance a federal or state registration number that is fictitious, revoked, suspended, or issued to another person;

(3) furnishes false or fraudulent material information in, or omits any material information from, an application, report, or other document required to be kept or filed under this article; or

(4) makes, distributes, or possesses a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or a likeness of any of the foregoing on a drug or container or labeling thereof so as to render the drug a counterfeit substance;

commits a Level 6 felony.

(c) A person who knowingly or intentionally acquires possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription order, concealment of a material fact, or use of a false name or false address commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection.

(d) A person who knowingly or intentionally affixes any false or forged label to a package or receptacle containing a controlled substance commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection. This subsection does not apply to law enforcement agencies or their representatives while engaged in enforcing IC 16-42-19 or this chapter (or IC 16-6-8 before its repeal).

(e) A person who duplicates, reproduces, or prints any prescription pads or forms without the prior written consent of a practitioner commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction of an offense under this subsection. This subsection does not apply to the printing of prescription pads or forms upon a written, signed order placed by a practitioner or pharmacist, by legitimate printing companies.

IC 35-48-4-14.5 Possession or sale of drug precursors

Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).

- (15) Potassium dichromate.
- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.
- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.
- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.
- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or
- (2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or

- (2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within five hundred (500) feet of:
- (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (d) Subsection (b) does not apply to a:
- (1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or
 - (2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:
 - (A) the location in which the substance is stored;
 - (B) the possession of the substance in a variety of:
 - (i) strengths;
 - (ii) brands; or
 - (iii) types; or
 - (C) the possession of the substance:
 - (i) with different expiration dates; or
 - (ii) in forms used for different purposes.
- (e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a Level 6 felony.
- (f) An offense under subsection (e) is a Level 5 felony if the person possessed:
- (1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or
 - (2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a Level 6 felony. However, the offense is a Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.
- (h) This subsection does not apply to a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:
- (1) has been convicted of a drug related felony (as defined in IC 35-48-1-16.3); and
 - (2) not later than seven (7) years from the date the person was sentenced for the offense; knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a drug offender, a Level 6 felony.

IC 35-45-1-5 Visiting a common nuisance; maintaining a common nuisance

Sec. 5. (a) As used in this section, "common nuisance" means a building, structure, vehicle, or other place that is used for (1) or more of the following purposes:

(1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.

(2) To unlawfully use, keep, or sell a legend drug.

(3) To unlawfully:

(A) use;

(B) manufacture;

(C) keep;

(D) offer for sale;

(E) sell;

(F) deliver; or

(G) finance the delivery of;

a controlled substance or an item of drug paraphernalia (as described in IC 35-48-4-8.5).

(4) To provide a location for a person to pay, offer to pay, or agree to pay money or other property to another person for a human trafficking victim or an act performed by a human trafficking victim.

(5) To provide a location for a person to commit a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking).

(b) A person who knowingly or intentionally visits a common nuisance described in subsections (a)(1) through (a)(4) commits visiting a common nuisance. The offense is a:

(1) Class B misdemeanor if the common nuisance is used for the unlawful:

(A) sale of an alcoholic beverage as set forth in subsection (a)(1);

(B) use, keeping, or sale of a legend drug as set forth in subsection (a)(2); or

(C) use, manufacture, keeping, offer for sale, sale, delivery, or financing the delivery of a controlled substance or item of drug paraphernalia (as described in IC 35-48-4-8.5), as set forth in subsection (a)(3);

(2) Class A misdemeanor if:

(A) the common nuisance is used as a location for a person to pay, offer to pay, or agree to pay for a human trafficking victim or an act performed by a human trafficking victim as set forth in subsection (a)(4); or

(B) the person knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a common nuisance used to unlawfully:

(i) use;

(ii) manufacture;

(iii) keep;

(iv) offer for sale;

(v) sell;

(vi) deliver; or

(vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and

- (3) Level 6 felony if the person:
- (A) knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a common nuisance used to unlawfully:
 - (i) use;
 - (ii) manufacture;
 - (iii) keep;
 - (iv) offer for sale;
 - (v) sell;
 - (vi) deliver; or
 - (vii) finance the delivery of;a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and
 - (B) has a prior unrelated conviction for a violation of this section involving a controlled substance or drug paraphernalia.
- (c) A person who knowingly or intentionally maintains a common nuisance commits maintaining a common nuisance, a Level 6 felony.
- (d) It is a defense to a prosecution under subsection (c) that:
- (1) the offense involves only the unlawful use or keeping of:
 - (A) less than:
 - (i) thirty (30) grams of marijuana; or
 - (ii) five (5) grams of hash oil, hashish, or salvia; or
 - (B) an item of drug paraphernalia (as described in IC 35-48-4-8.5) that is designed for use with, or intended to be used for, marijuana, hash oil, hashish, or salvia; and
 - (2) the person does not have a prior unrelated conviction for a violation of subsection (c).

Appendix D: Laws Related to Alcohol and Drug Use—Federal Trafficking Offenses

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. if death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. if death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
II	Cocaine base 28-279 grams mixture		Cocaine base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. if death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Fentanyl 400 grams or more mixture	Second Offense: Not less than 20 yrs. and not more than life. if death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. if death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Heroin 1 kilogram or more mixture	2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
I	LSO 1-9 grams mixture		LSO 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. if death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Methamphetamine 50 grams or more pure or 500 grams or more mixture	2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		First Offense: Not more than 20 yrs. if death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		Second Offense: Not more than 30 yrs. if death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		First Offense: Not more than 10 yrs. if death or serious bodily injury, not more than 15 yrs. fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. if death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p>First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p>Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p>First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p>Second Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	<p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>1 to 49 marijuana plants</p>	
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	