

## **IC 7.1-5-5**

### **Chapter 5. Miscellaneous Crimes**

#### **IC 7.1-5-5-1**

##### **Issuance of permit; illegal influence prohibited**

Sec. 1. Issuance of Permits: Illegal Influence Prohibited. It is unlawful for a permittee, or an applicant for a permit, to solicit or accept the assistance of an officer or employee of the state, or of one (1) of its political subdivisions or municipal corporations, or of the United States, or of a political party or political committee, in obtaining the issuance or renewal of a permit or in preventing the suspension or revocation of a permit. This section shall have no application to an officer or employee of the commission nor to a member of a local board. This section does not prohibit the employment of an attorney, regardless of political affiliations, by a permittee or applicant, in obtaining the issuance or renewal of a permit or in preventing the suspension or revocation of a permit.

*(Formerly: Acts 1973, P.L.55, SEC.1.)*

#### **IC 7.1-5-5-2**

##### **Commission; receiving gifts prohibited**

Sec. 2. Commission: Receiving Gifts Prohibited. It is unlawful for a commissioner, an officer or employee of the commission, or a member of a local board, to receive a gratuity, commission, or profit of any kind from a person applying for or receiving a permit under this title. A person who violates the provisions of this section also shall be dismissed as provided in this title.

*(Formerly: Acts 1973, P.L.55, SEC.1.)*

#### **IC 7.1-5-5-3**

##### **Illegal influence prohibited**

Sec. 3. Illegal Influence Prohibited. It is unlawful for the holder of a manufacturer's permit of any type, a wholesaler's permit of any type, or an officer, employee, agent or other representative of a surety company which has executed a bond for a permittee under this title to seek to influence or recommend or solicit the appointment of a member of a local board, or of an officer, appointee or employee under this title, or meet with, consult, or advise a member of a local board concerning the issuance of a permit of any type.

*(Formerly: Acts 1973, P.L.55, SEC.1.)*

#### **IC 7.1-5-5-4**

##### **Repealed**

*(Repealed by Acts 1977, P.L.97, SEC.1.)*

#### **IC 7.1-5-5-5**

##### **Repealed**

*(Repealed by Acts 1977, P.L.97, SEC.1.)*

#### **IC 7.1-5-5-6**

**Repealed**

*(Repealed by Acts 1977, P.L.97, SEC.1.)*

**IC 7.1-5-5-7**

**Discrimination in sales prohibited; exception; special discounts for certain products**

Sec. 7. (a) It is unlawful for a permittee in a sale or contract to sell alcoholic beverages to discriminate between purchasers by granting a price, discount, allowance, or service charge which is not available to all purchasers at the same time. However, this section does not authorize or require a permittee to sell to a person to whom the permittee is not authorized to sell under this title.

(b) A premises that operates at least two (2) restaurants that are separate and distinct from each other on the same premises may provide for a different schedule of prices in each restaurant if each restaurant conforms to all other laws and rules of the commission regarding pricing and price discrimination in its separate and distinct areas.

(c) This section does not apply to the holder of a gaming site permit that complies with IC 7.1-3-17.5-6.

(d) Notwithstanding subsection (a), a beer wholesaler may offer a special discount price to a beer dealer or beer retailer for beer or flavored malt beverage, if the beer or flavored malt beverage:

- (1) is a brand or package the beer wholesaler has discontinued;
- or
- (2) will expire in not more than:
  - (A) twenty (20) days for packaged beer or packaged flavored malt beverage; and
  - (B) ten (10) days for draft beer or draft flavored malt beverage.

(e) The special discount under subsection (d) only applies to beer or flavored malt beverage that will expire and be subject to removal from retailer or dealer shelves in accordance with the primary source of supply's coding data clearly identified on the container.

(f) Any beer or flavored malt beverage sold at a special discount price under subsection (d) shall be accompanied by an invoice clearly designating, in addition to all other information required by law, all the following information:

- (1) The date of delivery.
- (2) The expiration date of each brand, package type, and quantity delivered.
- (3) The per unit price for each package.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.51; P.L.250-2003, SEC.16; P.L.224-2005, SEC.30; P.L.233-2007, SEC.32.*

**IC 7.1-5-5-8**

**Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.727.)*

### **IC 7.1-5-5-9**

#### **Coercion prohibited; unequitable termination of contract prohibited**

Sec. 9. (a) This section does not apply to product management (as described in 905 IAC 1-5.2-15) by a permittee.

(b) It is unlawful for a permittee to knowingly or intentionally coerce, or attempt to coerce, or persuade another permittee to enter into an agreement, or to take an action, which would violate a provision of this title or of the rules and regulations of the commission.

(c) It is unlawful for a beer wholesaler or a primary source of supply to cancel or terminate an agreement or contract between a beer wholesaler and a primary source of supply for the sale of beer, unfairly and without due regard for the equities of the other party.  
*(Formerly: Acts 1973, P.L. 55, SEC.1.) As amended by P.L. 224-2005, SEC.31; P.L. 94-2008, SEC.48.*

### **IC 7.1-5-5-10**

#### **Acceptance of gift by retailer prohibited**

Sec. 10. Acceptance of Gift by Retailer Prohibited. It is unlawful for a person who holds a retailer's or dealer's permit of any type to receive or accept from a manufacturer of alcoholic beverages, or from a permittee authorized to sell and deliver alcoholic beverages, 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.

*(Formerly: Acts 1973, P.L. 55, SEC.1.)*

### **IC 7.1-5-5-11**

#### **Gift to retail permittee prohibited; promotional prizes; bona fide incentives**

Sec. 11. (a) Except as provided in subsections (c) and (d), it is unlawful for a manufacturer of alcoholic beverages or a permittee authorized to sell and deliver alcoholic beverages to:

- (1) give, supply, furnish, or grant to another permittee who purchases alcoholic beverages from him a rebate, sum of money, accessory, furniture, fixture, loan of money, concession, privilege, use, title, interest, lease, or rental of premises; or
- (2) except as provided in IC 7.1-3-2-9 and IC 7.1-3-3-5(f), have a business dealing with the other permittee.

(b) This section shall not apply to the sale and delivery and collection of the sale price of an alcoholic beverage in the ordinary course of business.

(c) If the promotional program is approved under the rules adopted by the commission and is conducted in all wholesaler establishments through which the manufacturer distributes alcoholic beverages in Indiana, a manufacturer of alcoholic beverages may award bona fide promotional prizes and awards to any of the following:

- (1) A person with a wholesaler's permit issued under IC 7.1-3.

(2) An employee of a person with a wholesaler's permit issued under IC 7.1-3.

(d) A manufacturer may offer on a nondiscriminatory basis bona fide incentives to wholesalers when the incentives are determined based on sales to retailers or dealers occurring during specified times for specified products. The incentive may be conditioned on the wholesaler selling a:

(1) specified product at a specified price or less than a specified price; or

(2) minimum quantity of a specified product to a single customer in a single transaction.

The incentive may not be conditioned on a wholesaler having total sales of a minimum quantity of a specified product during the applicable period.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.32-1988, SEC.5; P.L.72-1997, SEC.3; P.L.224-2005, SEC.32.*

#### **IC 7.1-5-5-12**

##### **Amateur athletics; soliciting assistance prohibited**

Sec. 12. Amateur Athletics: Soliciting Assistance Prohibited. It is unlawful for a permittee who sponsors an amateur athletic contest, team, or sporting contest to solicit or accept assistance, either financial or otherwise, from another permittee for the purpose of promoting the amateur athletic contest, team, or sporting event. It also is unlawful for a permittee who is solicited in violation of this section to give that assistance.

*(Formerly: Acts 1973, P.L.55, SEC.1.)*