

ServSafe Alcohol Program Roll-Out Guidelines:



INDIANA

The ServSafe Alcohol online course is approved in Indiana. The ServSafe Alcohol class is approved in Indiana if the ServSafe Alcohol instructor is also a Certified Indiana Trainer.

Alcohol server training is mandatory in Indiana for all alcohol servers and employees or contractor who check IDs for proof of age in age restricted premises in addition to all holders of employee permits. Owners are required to ensure that employees are trained. Employees have 120 days from beginning employment to receive training.

Additional content supplement available at: <https://www.servsafe.com/Instructors-Proctors/ServSafe-Alcohol-Print-Supplements-and-Exams>

Recertification is required every three years.

The Indiana Restaurant & Lodging Association is certified to provide ServSafe Alcohol Training programs in Indiana. For information on class availability, locations and times, contact the Indiana Restaurant & Lodging Association at (800) 678-1957.

Disclaimer:

This document is not intended to provide legal advice. Laws on alcohol sales and service may vary greatly by city, county or state. For complete information on the alcohol laws in effect in your region, please contact the liquor authority in your state and/or municipality.

STATE LAWS

Rules relating to alcoholic beverages can be found in the Indiana Administrative Code at <https://iar.iga.in.gov/code/2026/905/1> and the Indiana Code at <http://www.in.gov/legislative/ic/code/title7.1/>.

STATE LIQUOR AUTHORITY	State of Indiana - Indiana Alcoholic & Tobacco Commission 302 West Washington Street, Room E114 Indianapolis, Indiana 46204 Phone: 317-232-2430 Fax: 317-233-6114 General E-mail: comments@atc.in.gov Website: www.in.gov/atc/
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AGE TO CONSUME	21
AGE TO SERVE	18 After completing approved alcohol server training program and serving only in a dining area or family room of a restaurant or hotel. Must be under the supervision of a person who is at least 21 years of age, is present at the restaurant or hotel, and has successfully completed an alcohol server training program. (IC 7.1-5-7-13)
AGE TO POUR	21
AGE TO SELL (PACKAGED LIQUOR)	19 to ring up sales in a drug or grocery store. 21 in a Package Liquor Store, or growlers in a brewpub.
EMPLOYEE PERMIT	Required - may not apply if on probation for an OWI, if received 2 OWI convictions must wait 2 years, 3 OWI convictions must wait 10 years. May not owe taxes to the State of Indiana or back child support.
MINORS ALLOWED ON PREMISE?	Minors under 21 are not allowed in bars or taverns, except if 18 or with parents expressly to dine. Allows a minor to be in a small brewery and the brewery's restaurant, if accompanied by an adult.
CAN PARENTS SERVE?	NO
HOURS OF SERVICE	On premise establishments: Sunday thru Sunday: 7:00 a.m until 3:00 a.m. Off Premise/Retail Stores: Monday thru Saturday: 7:00 a.m until 3:00 a.m. the following morning, Sunday: noon until 8:00 p.m. Note: Sales are prohibited on Christmas Day and until 7:00 o'clock the following morning, prevailing local time.
ACCEPTED ID'S	Only Valid government issued IDs. Examples: driver license, state ID, Military ID and passport. Mandatory carding for packaged sales to customers who appear under 40 years of age.
LEGAL LEVEL OF INTOXICATION WHILE DRIVING	.08 BAC
DRAM SHOP LAW	Licenses and their employees are civilly liable if the guest causing the injury or damages was visibly intoxicated when served, and if the guest's intoxication is proven to be the proximate cause of the damages. Only injured parties under the age of 21, or their representatives may sue the licenses for damages. Also, the intoxicated guest of his estate/family may not sue the licensee if the guest is injured.
ID CONFISCATION	No, may not confiscate. But a permittee has the right to demand that a customer sign a written statement on a form prescribed by the Alcohol and Tobacco commission stating that they are not a minor. Retailers should contact local police is they suspect a minor is carrying a fake ID.
HAPPY HOUR & OTHER SERVICE RESTRICTIONS	Indiana's happy hour laws prohibit the following: -may not sell reduced price alcoholic beverages during a portion of the day and sell same drinks for a higher price for the remainder of that day - -may not sell "2 (or more) for 1" drink specials Note: the above does not apply to private functions Licensees are allowed to: -increase drink prices when the licensee provides special live entertainment. In hotels, may

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	offer complimentary alcoholic beverages to registered guests and their guests in areas where drinks are not usually sold. Food service is required of all on-premise retailers.
CREDIT SALES	Credit sales are generally prohibited, but there may be exceptions.
RETAIL TO RETAIL SALES	Retailers must purchase alcohol from a wholesaler, may not purchase from a package liquor store.
PENALTIES FOR SERVING OR SELLING TO A MINOR or INTOXICATED INDIVIDUAL	Class B misdemeanor punishable by up to 180 days imprisonment and may be fined up to \$1000.
COMPLIANCE CHECKS	Excise may use 19-20 year olds to verify that servers and clerks do not sell to minors.
WARNING SIGNS REQUIRED ON EFFECTS OF ALCOHOL ON FETUS?	Not required

ADDENDUM: INDIANA'S DRAM SHOP LAW

Person furnishing alcoholic beverage; civil liability for damages; "furnish" defined
Sec. 15.5. (a) As used in this section, "furnish" includes barter, deliver, sell, exchange, provide, or give away.

(b) A person who furnishes an alcoholic beverage to a person is not liable in a civil action for damages caused by the impairment or intoxication of the person who was furnished the alcoholic beverage unless:

(1) the person furnishing the alcoholic beverage had actual knowledge that the person to whom the alcoholic beverage was furnished was visibly intoxicated at the time the alcoholic beverage was furnished; and

(2) the intoxication of the person to whom the alcoholic beverage was furnished was a proximate cause of the death, injury, or damage alleged in the complaint.

(c) If a person who is at least twenty-one (21) years of age suffers injury or death proximately caused by the person's voluntary intoxication, the:

(1) person;

(2) person's dependents;

(3) person's personal representative; or

(4) person's heirs; may not assert a claim for damages for personal injury or death against a person who furnished an alcoholic beverage that contributed to the person's intoxication, unless subsections (b)(1) and (b)(2) apply. As added by P.L.80-1986, SEC.1. Amended by P.L.76-1996, SEC.1.

The Excise Police would like you to know...

1. **Persons who appear less than 40 years of age** should be asked to produce reliable proof of age for carryout purchases. Suggested items of identification are picture ID's, including but not limited to, a driver's license, state-issued ID card, US Government identification. REMEMBER: If you still question the age of the person you should refuse to serve them. For carryout, it is a defense against a charge of selling alcoholic beverages without checking ID if the individual reasonably appears to be over the age of 40. If the age of the person is still in doubt, request additional identification. It is the permittee's and/or server's responsibility to make sure a person is over the age of 21.

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2. **Sunday through Saturday, the legal hours** for the dispensing of alcoholic beverages are 7:00AM, prevailing local time to 3:00AM prevailing local time, the following day (IC 7.1-3-1-14). Retailer permittees may allow the consumption of alcoholic beverages for a period of thirty minutes after the legal dispensing hours only if the alcoholic beverages to be consumed were purchased and received by the consumer before the applicable times (see above hours) to stop the dispensing of alcoholic beverages. After this thirty-minute period, all containers that have previously had alcoholic beverages in them must be cleared from the tables, counters, bars, etc. (905 IAC 1-10-1)
3. **It is unlawful to dispense alcoholic beverages on Christmas Day.** Alcoholic Beverages may not be served or sold from 3:00am, local prevailing time on December 25th until 7:00am, local prevailing time on December 26th.
4. **Alcoholic beverage vs. non-alcoholic beverage:** These beverages, e.g. Cutter's, Sharp's, etc., are not regulated as an alcoholic beverage in Indiana, as they are not classified as alcoholic beverages by Indiana law. The term alcoholic beverage means a liquid or solid that:
 - o Is, or contains, one-half percent (0.5%) or more alcohol by volume
 - o Is fit for human consumption
 - o Is reasonably likely, or intended, to be used as a beverage. (IC 7.1-1-3-5)
5. **It is a criminal offense to sell or furnish alcoholic beverages to an intoxicated person.** In addition, the provider may experience sever and/or costly civil liabilities if death or injury, even to a third party, occurs as a result of the act. (IC 7.1-5-10-15)
6. **Permit premises where alcoholic beverages are consumed by the "drink"** are required to have food service available, at all times, for at least 25 persons. Minimum food service required consists of hot soups, hot sandwiches, coffee, milk, and soft drinks. (IC 7.1-3-20-9 & 905 IAC 1-20-1)
7. **An applicant for an employee permit (bartender/waitress/clerk, etc.)** may "work on" the receipt (receipt must contain the name of the actual applicant) of a cashier's check or money order made payable to the Indiana ATC. An applicant may "work on" this receipt for a period of thirty (30) days from the date of issuance of the cashier's check or money order. *The actual application and payment must be forwarded to the Indiana ATC before the receipt may be "worked on."* (IC 7.1-3-18-9(c))
8. **Those persons 18 years old may be employed** at a permit premise provided they do not handle, serve, or sell alcoholic beverages. (IC 7.1-5-7-13) Individuals who are at least 19 years of age can "ring-up" the sale of alcoholic beverages in the course of their employment at a drug or grocery store if there is at least one other employee on the licensed premise who is twenty-one (21) years of age or older, and responsible for supervising the minor. (905 IAC 1-15.3-1)
9. **It is unlawful for a permittee to discriminate between purchasers** by granting a price discount, allowance, or service charge (a cover charge is not included in this) which is not available to all. For example, "drinks half-price to females", or "prices reduced between 5:00PM and 7:00PM." (IC 7.1-5-5-7 & IC 7.1-5-10-20)

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10. **Minors (those under 21 years of age) possessing alcoholic beverages** need to know that, in accordance with Indiana Code 7.1-5-7-7, it is illegal to knowingly: 1) Possess alcohol 2) Consume alcohol 3) Transport alcohol on a public highway when not accompanied by at least one of his/her parents or guardians. It is unlawful for a person to sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor (I.C.7.1-5-7-8). If a minor is found to have violated these provisions while operating a motor vehicle, the court may order the driver's license of the minor suspended for up to one (1) year. However, if the minor is less than eighteen (18) years of age, the court shall order the driver's license of the minor suspended for at least sixty (60) days.

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