

PRINTING CODE. Deletions appear in ~~this style~~
~~type~~. Insertions appear in this style type.
Typeface changes are shown in **this** *this* this **style**
style style or in **this** *this* this **type** *type* type.

HOUSE BILL No. 1052

Proposed Changes to introduced printing by AM105206

DIGEST OF PROPOSED AMENDMENT

Online sweepstakes games. Removes provisions from the bill that define and establish civil and criminal penalties for conducting a "sweepstakes game". Specifies requirements that apply to the operator of an online sweepstakes platform. Prohibits a person from operating an online sweepstakes game in Indiana without a registration issued by the attorney general. Requires an operator of an online sweepstakes platform to complete a registration application and submit a \$100,000 registration fee. Makes a registration fee payment effective for five years. Specifies requirements that apply to the attorney general's approval and denial of applications. Allows an operator doing business in Indiana before July 1, 2026, to continue operating conditionally while a timely registration application is pending. Makes gross retail and use tax provisions applicable to the sale of certain bona fide products offered for sale or use by an operator. Requires annual audits. Specifies the attorney general's enforcement powers and duties concerning online sweepstakes games.

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-31-2.1-5, AS ADDED BY P.L.105-2022,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 5. "Breeder" means any of the following:

4 (1) The owner or lessee of a standardbred horse's dam at the time
5 of ~~registration with the commission~~: **breeding**.
6 (2) The owner or lessee of a thoroughbred horse's dam at the time of ~~registration with the commission~~: **foaling for**
7 **thoroughbreds. The commission shall recognize the breeder**
8 **of a horse as the person designated as such on the Jockey**
9 **Club Certificate of Registration for the horse.**
10 (3) The owner or lessee of a quarter horse's dam at the time of
11

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 the dam's registration with the commission.

2 SECTION 2. IC 4-31-2.1-16.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: **Sec. 16.5. "Judge" means an**
5 **individual who:**

8 SECTION 3. IC 4-31-3-11.5, AS AMENDED BY P.L.152-2025,
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2026]: Sec. 11.5. The commission shall employ or contract for
11 judges ~~and stewards~~ to attend each recognized meeting held under a
12 permit issued under this article. A contracted judge ~~or steward~~ shall be
13 considered an employee of the commission for the purpose of
14 IC 4-6-2-1.5(a). The permit holder shall, in the manner prescribed by
15 the rules of the commission, reimburse the commission for the salaries
16 and other expenses of the judges ~~and stewards~~ who serve at the permit
17 holder's racetrack.

18 SECTION 4. IC 4-31-6-6, AS AMENDED BY P.L.172-2011,
19 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2026]: Sec. 6. (a) The commission may refuse or deny a
21 license application, revoke or suspend a license, or otherwise penalize
22 a licensee, if:

(1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and (2) any of the conditions listed in subsection (b) apply to the applicant or licensee.

(b) The conditions referred to in subsection (a) are as follows:

- (1) The applicant or licensee has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.
- (2) The applicant or licensee has had a license of the legally constituted racing authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.
- (3) The applicant or licensee is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.
- (4) The applicant or licensee has violated or attempted to violate a provision of this article, a rule adopted by the commission, or a law or rule with respect to horse racing in a jurisdiction.
- (5) The applicant or licensee has perpetrated or attempted to

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 perpetrate a fraud or misrepresentation in connection with the
 2 racing or breeding of horses or pari-mutuel wagering.

3 (6) The applicant or licensee has demonstrated financial
 4 irresponsibility by accumulating unpaid obligations, defaulting
 5 on obligations, or issuing drafts or checks that are dishonored or
 6 not paid.

7 (7) The applicant or licensee has made a material
 8 misrepresentation in an application for a license.

9 (8) The applicant or licensee has been convicted of a crime
 10 involving bookmaking, touting, or similar pursuits or has
 11 consorted with a person convicted of such an offense.

12 (9) The applicant or licensee has abandoned, mistreated, abused,
 13 neglected, or engaged in an act of cruelty to a horse.

14 (10) The applicant or licensee has engaged in conduct that is
 15 against the best interest of horse racing **or compromises the**
 16 **integrity of operations at a licensed facility.**

17 (11) The applicant or licensee has failed to comply with a written
 18 order or ruling of the commission or judges pertaining to a
 19 racing matter.

20 (12) The applicant or licensee has failed to answer correctly
 21 under oath, to the best of the applicant's or licensee's knowledge,
 22 all questions asked by the commission or its representatives
 23 pertaining to a racing matter.

24 (13) The applicant or licensee has failed to return to a permit
 25 holder any purse money, trophies, or awards paid in error or
 26 ordered redistributed by the commission.

27 (14) The applicant or licensee has had possession of an alcoholic
 28 beverage on a permit holder's premises, other than a beverage
 29 legally sold through the permit holder's concession operation.

30 (15) The applicant or licensee has interfered with or obstructed
 31 a member of the commission, a commission employee, or a
 32 racing official while performing official duties.

33 (16) The name of the applicant or licensee appears on the
 34 department of state revenue's most recent tax warrant list, and
 35 the person's tax warrant has not been satisfied.

36 (17) The applicant or licensee has pending criminal charges.

37 (18) The applicant or licensee has racing disciplinary charges
 38 pending in Indiana or another jurisdiction.

39 (19) The applicant or licensee is unqualified to perform the
 40 duties required under this article or the rules of the commission.

41 **(20) The applicant or licensee made a material**
 42 **misrepresentation when registering, nominating, entering, or**



racing a horse as an Indiana owned horse, Indiana sired horse, or Indiana bred horse.

SECTION 5. IC 4-31-7-9, AS AMENDED BY P.L.32-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) After December 31, 2013, the following individuals may not wager on horse racing at a licensed facility:

- (1) A member of the commission.
- (2) An employee of the commission.
- (3) A racing official.
- (4) The spouse of any individual listed in subdivisions (1) through (3).

(b) (a) After December 31, 2017, The following individuals may not wager on gambling games at a facility licensed under IC 4-35:

(1) A member of the commission.

(2) The following individuals employed by the commission:

- (A) The executive director.
- (B) The assistant executive director.
- (C) The director of security.
- (D) The general counsel.
- (E) The deputy general counsel.
- (F) A steward.
- (G) (F) A judge.

(3) The spouse of an individual described in subdivision (1) or (2).

(e) (b) A person who knowingly or intentionally violates this section commits a Class C infraction. However, the violation is a Class A misdemeanor if the person has a prior unrelated adjudication or conviction for a violation of this section within the previous five (5) years.

SECTION 6. IC 4-31-8-4, AS AMENDED BY P.L.168-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A permit holder shall provide an alcohol breath-testing device that is approved by the commission and operated by a person certified to use such a device. **The necessary qualifications for an individual administering a breath-testing device and the policies and procedures of the breath-testing program are subject to the approval of either the executive director of the commission or the director of security of the commission.** All drivers, jockeys, judges, starters, assistant starters, and drivers of starting gates shall submit to a breath test at each racing program in which they participate. In addition, the executive director of the commission, a member of the commission, a commission

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 investigator, the ~~stewards~~, **judges**, or the track chief of security may
 2 order a licensee to submit to a breath test at any time there is reason to
 3 believe the licensee may have consumed sufficient alcohol to cause the
 4 licensee to fail a breath test.

5 (b) A person whose breath test shows a reading of an alcohol
 6 concentration equivalent (as defined in IC 9-13-2-2.4) to more than
 7 five-hundredths (0.05) gram of alcohol per two hundred ten (210) liters
 8 of the person's breath, is subject to the following sanctions:

9 (1) A driver or jockey may not be permitted to drive or ride and
 10 shall be suspended under the rules of the commission.

11 (2) A judge, a starter, an assistant starter, or a driver of the
 12 starting gate shall be relieved of all duties for that program, and
 13 a report shall be made to the commission for appropriate action.

14 (3) Any other licensee shall be suspended, beginning that day,
 15 under the rules of the commission.

16 (c) The ~~stewards~~ and judges may, on behalf of the commission,
 17 impose the following sanctions against a licensee who refuses to
 18 submit to a breath test:

19 (1) For the first refusal, a civil penalty of one hundred dollars
 20 (\$100) and a seven (7) day suspension.

21 (2) For a second refusal, a civil penalty of two hundred fifty
 22 dollars (\$250) and a thirty (30) day suspension.

23 (3) For any additional refusals to submit to a breath test, a civil
 24 penalty of two hundred fifty dollars (\$250), a sixty (60) day
 25 suspension, and referral of the case to the commission for any
 26 further action that the commission considers necessary.

27 (d) A sanction under subsection (c) may be appealed to the **[commission office of administrative law proceedings under IC 4-15-10.5. IC 4-21.5 applies to an appeal under this section. The commission has the burden of proving an alleged violation by a preponderance of the evidence.** An appeal stays the sanction until further action by the commission. The appeal must be heard by the **[commission office of administrative law proceedings** within thirty (30) days after the date of the appeal.

35 SECTION 7. IC 4-31-12-5, AS AMENDED BY P.L.168-2019,
 36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2026]: Sec. 5. (a) The judges, ~~the stewards~~, a commission
 38 veterinarian, a member of the commission, or the executive director of
 39 the commission may order a test of a biological sample on a horse for
 40 the purpose of analysis.

41 (b) A biological sample shall be taken from the following horses
 42 after the running of each race:



(1) The horse that finishes first in each race.

(2) Any other horses designated by the judges, ~~the stewards~~, a commission veterinarian, a member of the commission, or the executive director of the commission. The judges and veterinarian shall designate for the taking of a biological sample a horse that races markedly contrary to form.

SECTION 8. IC 4-31-12-6, AS AMENDED BY P.L.111-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The commission:

- (1) shall appoint, at its cost, a veterinarian to take or supervise the taking of biological samples under section 5 of this chapter;
- (2) shall approve a laboratory for the analysis of a biological sample taken under section 5 of this chapter; and
- (3) may require that a biological sample taken under section 5 of this chapter be analyzed.

(b) The cost of analyzing the biological samples shall be borne by the commission.

(c) The commission may appoint, at its cost, veterinarians or other persons to supervise all activities in the state testing barn area and to supervise the practice of veterinary medicine at all racetracks in Indiana.

(d) The commission shall employ or contract for assistants **veterinarians, veterinarian technicians, and testing barn personnel** to aid in securing biological samples at each racetrack. These assistants **veterinarians, veterinarian technicians, and testing barn personnel** shall have free access, under the supervision of the commission's veterinarian, to the state testing barn area. The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the assistants **veterinarians, veterinarian technicians, and testing barn personnel** [] who serve at the permit holder's racetrack **testing barn**.

SECTION 9. IC 4-31-12-7, AS AMENDED BY P.L.168-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) A veterinarian appointed by the commission or employed by a permit holder may not, during the period of the veterinarian's employment, do the following with respect to a breed of horse registered with the commission for racing at the track of the veterinarian's employment:

- (1) Treat or issue prescriptions for a horse, except in case of emergency.
- (2) Perform an endoscopic examination on a horse the day the



1 horse is scheduled to race.

2 A full and complete record of an emergency treatment or a prescription
3 authorized by subdivision (1) shall be filed with the ~~stewards or~~ judges.

(b) Except as provided in subsection (c), an owner or trainer may not directly or indirectly employ or pay compensation to a veterinarian with respect to the care of a horse belonging to a breed of horse registered with the commission for racing at the track of the veterinarian's employment.

9 (c) An owner or trainer may pay a veterinarian employed by the
10 commission or a permit holder for an endoscopic examination
11 permitted under subsection (a).

12 SECTION 10. IC 4-31-12-15, AS AMENDED BY P.L.210-2013,
13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2026]: Sec. 15. (a) The commission may adopt rules under
15 IC 4-22-2 to delegate to the ~~stewards and~~ judges of racing meetings the
16 authority to conduct disciplinary hearings on behalf of the commission.
17 The ~~stewards and~~ judges shall give at least twelve (12) hours notice of
18 any such hearing. The ~~stewards and~~ judges, on behalf of the
19 commission, may impose one (1) or more of the following sanctions
20 against a licensee who violates sections 2 through 13 of this chapter:

21 (1) A civil penalty not to exceed five thousand dollars (\$5,000).
22 (2) A temporary order or other immediate action in the nature of
23 a summary suspension where a licensee's actions constitute an
24 immediate danger to the public health, safety, or welfare.
25 (3) Suspension of a license held by the licensee for up to one (1)
26 year. The suspension of a license under this subdivision is:

27 (A) valid even though the suspension extends beyond the
28 period of the racing meeting for which the ~~stewards and~~ judges have been appointed; and
29
30 (B) effective at all other racing meetings under the
31 jurisdiction of the commission

31 jurisdiction of the commission.
32 (4) A rule that a person must stay off the premises of one (1) or
33 more permit holders if necessary in the public interest to
34 maintain proper control over recognized meetings.

35 (5) Referral of the matter to the commission for its consideration.
36 However, at least two (2) of the ~~stewards~~ or judges must concur in a
37 sanction.

2026

JN 1052—LS 6389/DJ 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

7 SECTION 11. IC 4-31-13-1, AS AMENDED BY P.L.210-2013,
8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2026]: Sec. 1. (a) The commission may issue orders under
10 IC 4-21.5 to:

11 (1) deny, suspend, diminish, or revoke permits and licenses as
12 authorized by this article; and
13 (2) impose civil penalties, in addition to any other penalty
14 imposed by the commission on a person who violates this article
15 or a rule or an order of the commission.

27 (d) Civil penalties imposed under this article shall be deposited in
28 the state general fund.

29 SECTION 12. IC 4-31-13-2, AS AMENDED BY P.L.152-2025,
30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2026]: Sec. 2. (a) The commission may adopt rules under
32 IC 4-22-2 to delegate to the ~~stewards and~~ judges of racing meetings
33 under the jurisdiction of the commission the power to conduct
34 disciplinary hearings on behalf of the commission. The ~~stewards and~~ judges
35 shall give at least twelve (12) hours notice of any such hearing.
36 The ~~stewards and~~ judges, on behalf of the commission, may impose one
37 (1) or more of the following sanctions against a licensee who violates
38 this article or the rules or orders of the commission:

39 (1) A civil penalty not to exceed five thousand dollars (\$5,000).
40 (2) A temporary order or other immediate action in the nature of
41 a summary suspension if a licensee's actions constitute an
42 immediate danger to the public health, safety, or welfare.



4 (A) valid even though the suspension extends beyond the
5 period of the racing meeting for which the ~~stewards and~~
6 judges have been appointed; and

7 (B) effective at all other racing meetings under the
8 jurisdiction of the commission.

(c) A suspension or civil penalty under this section may be appealed to the commission. Judges and stewards imposing sanctions under this section must prove the person's violation by a preponderance of the evidence. The commission shall adopt rules establishing procedures for appeals and stays of appeals. The commission shall conduct a hearing on an appeal filed under this section as provided in IC 4-21.5. office of administrative law proceedings under IC 4-15-10.5. IC 4-21.5 applies to an appeal under this section. The commission has the burden of proving an alleged violation by a preponderance of the evidence.

31 SECTION 13. IC 4-33-4-3, AS AMENDED BY P.L.93-2024,
32 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2026]: Sec. 3. (a) The commission shall do the following:

34 (1) Adopt rules that the commission determines necessary to
35 protect or enhance the following:

36 (A) The credibility and integrity of gambling operations
37 authorized by this article.

38 (B) The regulatory process provided in this article.

(3) Provide for the establishment and collection of license fees and taxes imposed under this article

and taxes imposed under this article.

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

3 (5) Levy and collect penalties for noncriminal violations of this
4 article.

10 (A) Certify the revenue received by a riverboat.

11 (B) Receive complaints from the public.

12 (C) Conduct other investigations into the conduct of the
13 gambling games and the maintenance of the equipment that
14 the commission considers necessary and proper.

15 (8) Adopt rules to establish and implement a voluntary exclusion
16 program that meets the requirements of subsection (b).

20 (b) Rules adopted under subsection (a)(8) must provide the
21 following:

22 (1) Except as provided by rule of the commission, a person who
23 participates in the voluntary exclusion program agrees to refrain
24 from entering a riverboat or other facility under the jurisdiction
25 of the commission **or from placing a wager with a certificate**
26 **holder licensed under IC 4-38.**

26 holder licensed under IC 4-33.
27 (2) That the name **and last four (4) digits of the Social Security**
28 **number** of a person participating in the program will be
29 included on a list of persons excluded from all facilities under
30 the jurisdiction of the commission.

35 (4) That the list of patrons entering the voluntary exclusion
36 program and the personal information of the participants are
37 confidential and may only be disseminated by the commission to
38 the owner or operator of a facility under the jurisdiction of the
39 commission **and to a certificate holder licensed under**
40 **IC 4-38[1]** for purposes of enforcement and to other entities, upon
41 request by the participant and agreement by the commission.

42 (5) That an owner of a facility under the jurisdiction of the

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 commission **and a certificate holder licensed under IC 4-38**
 2 **[l]shall make all reasonable attempts as determined by the**
 3 **commission to cease all direct marketing efforts to a person**
 4 **participating in the program.**

5 (6) That an owner of a facility under the jurisdiction of the
 6 commission **and a certificate holder licensed under IC 4-38**
 7 **[l]may not cash the check of a person participating in the program**
 8 **or extend credit to the person in any manner. However, the**
 9 **voluntary exclusion program does not preclude an owner **or a****
 10 **certificate holder** from seeking the payment of a debt accrued
 11 **by a person before entering the program.**

12 ~~← SECTION 14. IC 4-33-10-7 IS ADDED TO THE INDIANA~~
 13 ~~CODE AS A NEW SECTION TO READ AS FOLLOWS~~
 14 ~~[EFFECTIVE JULY 1, 2026]~~: Sec. 7. (a) ~~As used in this section,~~
 15 ~~"sweepstakes game" means a game, contest, or promotion that is~~
 16 ~~available on the Internet and is accessible on a mobile phone,~~
 17 ~~computer terminal, or similar access device that:~~

18 ~~— (1) utilizes a dual-currency system of payment allowing a~~
 19 ~~player to exchange currency for a cash prize, cash award, or~~
 20 ~~cash equivalents or a chance to win a cash prize, cash award,~~
 21 ~~or cash equivalents; and~~

22 ~~— (2) simulates casino-style gaming, including slot machines,~~
 23 ~~video poker, table games, lottery games, bingo, and sports~~
 24 ~~wagering.~~

25 ~~— (b) The commission may levy a civil penalty in the amount of~~
 26 ~~one hundred thousand dollars (\$100,000) against an operator or~~
 27 ~~individual who knowingly uses the Internet to conduct a~~
 28 ~~sweepstakes game:~~

29 ~~— (1) in Indiana; or~~

30 ~~— (2) in a transaction directly involving a person located in~~
 31 ~~Indiana.~~

32 > SECTION 1~~←5~~**[4]**. IC 4-33-18 IS REPEALED [EFFECTIVE

33 JULY 1, 2026]. (Indiana Department of Gaming Research).

34 SECTION 1~~←6~~**[5]**. IC 7.1-1-3-8.5 IS AMENDED TO READ AS

35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8.5. "Certificate" means

36 a **retail or wholesale** tobacco sales certificate for purposes of

37 IC 7.1-3-18.5.

38 SECTION 1~~←7~~**[6]**. IC 7.1-1-3-27.5 IS ADDED TO THE

39 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

40 [EFFECTIVE JULY 1, 2026]: Sec. 27.5. **"Organized sporting**

41 **competition"** means a sporting event sanctioned by a recognized

42 governing or regulatory body.

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 SECTION 1~~8~~[7]. IC 7.1-1-3-45.7 IS ADDED TO THE
 2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2026]: Sec. 45.7. "Sports arena" means an
 4 indoor or outdoor facility where the main purpose and function of
 5 the facility is organized sporting competition. The term does not
 6 include:

7 (1) a facility to which IC 7.1-3-1-25(a) applies;
 8 (2) a tract that contains a premises described in
 9 IC 7.1-3-1-14(d)(2); or
 10 (3) a facility primarily used for professional competition.

11 SECTION 1~~9~~[8]. IC 7.1-1-3-48.7 IS ADDED TO THE
 12 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2026]: Sec. 48.7. "Wholesale" means the
 14 business of selling, bartering, exchanging, or distributing tobacco
 15 products or electronic cigarettes to certificate holders in Indiana
 16 for the purpose of resale.

17 SECTION ~~20~~[19]. IC 7.1-2-1-8 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. Bond and Oath of
 19 Office. Each commissioner shall execute a surety bond in the amount
 20 of ten thousand dollars (\$10,000), with surety approved by the
 21 governor, and an oath of office, both of which shall be filed in the
 22 office of the secretary of state.

23 SECTION 2~~10~~[0]. IC 7.1-2-1-9 IS REPEALED [EFFECTIVE
 24 JULY 1, 2026]. Sec. 9. Surety Bonds. The required surety bond
 25 executed and filed on behalf of a commissioner, an enforcement
 26 officer, or the prosecutor shall be made payable to the State of Indiana
 27 and conditioned upon the faithful discharge of the bonded party's
 28 respective duties.

29 SECTION 2~~11~~[1]. IC 7.1-2-2-3 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. Bond and Oath of
 31 Office. The prosecutor shall execute a surety bond in the amount of
 32 five thousand dollars (\$5,000), with surety approved by the governor,
 33 and an oath of office, both of which shall be filed in the office of the
 34 secretary of state.

35 SECTION 2~~12~~[2]. IC 7.1-2-2-10 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. Enforcement
 37 Officers: Bond and Oath of Office. Each enforcement officer shall
 38 execute a surety bond in the amount of one thousand dollars (\$1,000),
 39 with surety approved by the commission, and an oath of office, both of
 40 which shall be filed with the executive secretary of the commission.

41 SECTION 2~~13~~[3]. IC 7.1-3-1-18, AS AMENDED BY
 42 P.L.1-2025, SECTION 111, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2026]: Sec. 18. (a) Except as provided in
 2 subsections (d) and (e), If publication of notice of application for a
 3 permit is required under this title, the publication shall be made in one
 4 (1) newspaper of general circulation published in the county where the
 5 permit is to be in effect. **electronically on the commission's website.**

6 (b) Publication required under subsection (a) may be made in any
 7 newspaper of general circulation published one (1) or more times each
 8 week.

9 (c) The rates which shall be paid for the advertising of a notice
 10 required under this title shall be those required to be paid in case of
 11 other notices published for or on behalf of the state.

12 (d) The commission may publish notice of application for a
 13 three-way permit for a restaurant described in IC 7.1-3-20-12(4) by
 14 posting the notice on the commission's website.

15 (e) If:

16 (1) the commission is unable to procure advertising of a notice
 17 as required under subsection (a) at the rates set forth in IC 5-3-1;
 18 or

19 (2) the newspaper published in the county as described in
 20 subsection (a) refuses to publish the notice;
 21 the commission may, instead of publication in a newspaper as required
 22 under subsection (a), require the designated member of the local board
 23 of the county to post printed notices in three (3) prominent locations in
 24 the county.

25 SECTION 2~~5~~[4]. IC 7.1-3-1.5-1, AS AMENDED BY
 26 P.L.163-2025, SECTION 11, IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. As used in this
 28 chapter, "alcohol server" means the following:

29 (1) A person who works on the licensed premises of a retailer
 30 permittee as: a:

31 (A) a manager;
 32 (B) a bartender;
 33 (C) a waiter or a waitress; or

34 (D) **except for a current or retired law enforcement**
 35 **officer**, a contractor or an employee responsible for
 36 examining an individual's identification to determine the
 37 individual's age, including controlling the entry of
 38 individuals to a licensed premises **at a time when entry**
 39 **into the licensed premises is**1**restricted to those**
 40 **individuals at least twenty-one (21) years of age.**

41 (2) A person who works on the licensed premises of a dealer
 42 permittee as a:



- (A) manager; or
- (B) sales clerk.

(3) A person who is the proprietor of or is employed by an art instruction studio under IC 7.1-5-8-4.6 that serves wine brought into the studio by patrons.

SECTION 2~~6~~[5]. IC 7.1-3-18.5-1, AS AMENDED BY P.L.32-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) A person may not sell or otherwise distribute in exchange for consideration a tobacco product or electronic cigarette at retail **or wholesale** without a valid tobacco sales certificate issued by the commission.

(b) A certificate may be issued only to a person who owns or operates at least one (1) of the following:

(1) A premises consisting of a permanent building or structure, **that does not contain sleeping or living quarters**, where the tobacco product or electronic cigarette is sold or distributed.

(2) A premises upon which a cigarette vending machine is located

located.

SECTION 2~~2~~[6]. IC 7.1-3-18.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 1.5. (a) A person may not sell tobacco products or electronic cigarettes at wholesale or participate in the wholesale distribution of tobacco products or electronic cigarettes without a valid wholesale tobacco sales certificate issued by the commission.**

(b) The commission may only issue a wholesale tobacco sales certificate to a person who owns or operates at a premises consisting of a permanent building or structure that is used for the wholesale distribution of tobacco products or electronic cigarettes.

SECTION 2-~~8~~[7]. IC 7.1-3-18.5-2, AS AMENDED BY P.L.107-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) A person who desires a certificate must provide the following to the commission:

(1) The applicant's name and mailing address and the address of the premises for which the certificate is being issued.

(2) Except as provided in section 6(c) of this chapter, a fee of two hundred dollars (\$200).

(3) The name under which the applicant transacts or intends to transact business

(4) The address of the applicant's principal place of business or headquarters, if any.

(5) The statement required under section 2.6 of this chapter.

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 (6) If the applicant is applying for a new certificate under section
2 3.2 of this chapter, a copy of each of the following:

3 (A) If the new ownership of the business is a business
4 entity, the articles of incorporation, articles of organization,
5 or any other formation documents of the business entity.

6 (B) If the new ownership of the business is an individual,
7 either:

8 (i) the sales or purchase agreement; or
9 (ii) an affidavit signed by the applicant concerning the
10 sale or purchase, on a form prescribed by the
11 commission, that includes the name and address of the
12 seller and purchaser.

13 (C) The certificate held by the previous ownership of the
14 business.

(b) A separate certificate is required for each location where the tobacco products or electronic cigarettes are sold or distributed. ~~A retail~~ An establishment may not hold more than one (1) active tobacco sales certificate for a ~~retail~~ location at any time. **Except when the real estate for a retail location is transferred to an independent third party, the commission shall not issue a certificate to a retail location where a tobacco sales certificate was revoked within one (1) year prior to the date of the application.**

34 (c) A certificate holder shall conspicuously display the holder's
35 certificate on the holder's premises where the tobacco products or
36 electronic cigarettes are sold or distributed.

37 (d) Any intentional misstatement or suppression of a material fact
38 in an application filed under this section constitutes grounds for denial
39 or revocation of the certificate.

40 (e) A certificate may be issued only to a person who meets the
41 following requirements:

42 (1) If the person is an individual, the person must be at least



twenty-one (21) years of age.

(2) The person must be authorized to do business in Indiana.

(3) The person has not had an interest in a certificate revoked or suspended by the commission for that business location within the preceding one (1) year.

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

SECTION 2-~~9~~[8]. IC 7.1-3-18.5-2.4, AS ADDED BY P.L.107-2024, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.4. (a) Subject to available resources, the commission shall not issue a tobacco sales certificate except as otherwise authorized in this title and subject to the other restrictions contained in this title, to the following persons:

(1) A person who does not have lawful status (as defined in IC 9-13-2-92.3).

(2) A person who has been convicted within five (5) years before the date of application of:

(A) a federal crime having a sentence of at least one (1) year;

(B) a Level 1, Level 2, Level 3, Level 4, or Level 5 felony;
or

(C) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Level 1, Level 2, Level 3, Level 4, or Level 5 felony.

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

(3) A person who does not meet at least one (1) of the following descriptions:

(A) The person owns the premises to which the certificate will be applicable.

(B) The person has a valid lease on the premises:

- (i) at the time of the application for a certificate; and
- (ii) for the duration of the period in which the person sells or distributes in the manner described in section 1 of this chapter.

(C) The person has a franchise agreement with a franchisor:

- (i) that owns the premises to which the certificate will be applicable; or
- (ii) that has a bona fide lease on the premises for the full period for which the certificate is to be issued.

full period for which the certificate is to be issued. A person whose place of business is conducted by a manager agent, unless the manager or agent possesses the same

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 qualifications required for the issuance of a tobacco sales
 2 certificate to the person.

3 (5) A minor.

4 (6) A person non compos mentis.

5 (7) A person who has held a permit or certificate under this title
 6 and who has had that permit or certificate revoked **or**
 7 **suspended**1 within one (1) year prior to the date of application
 8 for a tobacco sales certificate.

9 (8) A person who has made an application for a permit or
 10 certificate of any type under this title which has been denied less
 11 than one (1) year prior to the person's application for a tobacco
 12 sales certificate unless the first application was denied by reason
 13 of a procedural or technical defect.

14 (b) Subsection (a)(5) does not prevent a minor from being a
 15 stockholder in a corporation.

16 SECTION ~~30~~[29]. IC 7.1-3-18.5-2.6, AS ADDED BY
 17 P.L.94-2008, SECTION 38, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 2.6. An application for a tobacco
 19 **sales** certificate must contain the express statement of the applicant that
 20 the applicant consents for the duration of the certificate term (if the
 21 commission issues the certificate to the applicant) to the entrance,
 22 inspection, and search by an enforcement officer, without a warrant or
 23 other process, of the applicant's **retail** premises to determine whether
 24 the applicant is complying with the provisions of this title. The consent
 25 required by this section is renewed and continued by the retention of a
 26 certificate or the certificate's use by the applicant or the applicant's
 27 agents.

28 SECTION 3~~4~~[0]. IC 7.1-3-18.5-3, AS AMENDED BY
 29 P.L.224-2005, SECTION 11, IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A certificate
 31 issued by the commission under this chapter must contain the following
 32 information:

33 (1) The certificate number.

34 (2) The certificate holder's name.

35 (3) The permanent location of the business or vending machine
 36 for which the certificate is issued.

37 (4) The expiration date of the certificate.

38 (b) A **retail tobacco sales** certificate is:

39 (1) valid for three (3) years after the date of issuance, unless the
 40 commission suspends the **retail tobacco sales** certificate; and
 41 (2) nontransferable.

42 (c) A **wholesale tobacco sales** certificate is:



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

4 **(2) nontransferable.**

5 SECTION 3~~↔~~^[1] IC 7.1-3-18.5-5.1 IS ADDED TO THE
 6 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2026]: **Sec. 5.1. If a retail location's retail**
 8 **tobacco sales certificate is suspended or revoked, the commission**
 9 **shall not renew or grant a new retail tobacco sales certificate for**
 10 **the retail location until the retail location's application has been**
 11 **investigated and recommended for approval by the local board.**

12 SECTION 3~~↔~~^[2] IC 7.1-3-18.5-9.2, AS ADDED BY
 13 P.L.107-2024, SECTION 4, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2026]: Sec. 9.2. (a) An employee of a certificate
 15 holder must hold a valid:

16 (1) driver's license issued by the state of Indiana or another state;
 17 or

18 (2) identification card issued by the state of Indiana, another
 19 state, or the United States;

20 to sell tobacco products.

21 (b) An employee must have the employee's driver's license or
 22 identification card or a copy of the employee's driver's license or
 23 identification card:

24 (1) either:

25 (A) in the employee's possession; or

26 (B) on file with the employee's employer; and

27 (2) upon request, readily available to show to an excise officer
 28 or law enforcement;

29 when selling tobacco products.

30 (c) If an employee holds a valid license or identification card as
 31 described in subsection (a) but is unable to show the license,
 32 identification card, or a copy to an excise officer under subsection (b)
 33 because:

34 (1) the employee has left the license, identification card, or copy
 35 in another location; or

36 (2) the license, identification card, or copy has otherwise been
 37 lost or mislaid;

38 the employee may, within five (5) days of the employee's inability to
 39 show the license, identification card, or copy to the excise officer,
 40 produce to the excise officer or to the office of the commission
 41 satisfactory evidence of a license or identification card issued to the
 42 individual that was valid at the time the individual was unable to show



1 the license, identification card, or copy.

2 (d) If an employee who is unable to show a license, identification
 3 card, or copy to an excise officer fails to produce satisfactory evidence
 4 within five (5) days in the manner described in subsection (c), the
 5 commission may impose a civil penalty on the certificate holder under
 6 IC 7.1-3-23-3.

7 **(e) The commission shall take the following actions with
 8 respect to a certificate holder's certificate if the certificate holder's
 9 employees violate this section:**

10 (1) For three (3) violations in a one (1) year period, suspend
 11 the certificate for a period of five (5) days.

12 (2) For four (4) violations in a one (1) year period, suspend
 13 the certificate for a period of an additional five (5) days.

14 (3) For five (5) violations in a one (1) year period, suspend
 15 the certificate for a period of an additional five (5) days.

16 (4) For six (6) or more violations in a one (1) year period,
 17 revoke the certificate.

18 SECTION 3~~4~~3. IC 7.1-5-6-3, AS AMENDED BY
 19 P.L.32-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) It is unlawful for a person to
 21 act as a clerk in a package liquor store, or as a bartender, waiter,
 22 waitress, **security, bouncer**, or manager for a retailer permittee unless
 23 that person has applied for and been issued the appropriate permit. This
 24 section does not apply to dining car or boat employees, to a person
 25 described in IC 7.1-3-1.7, or to a person described in IC 7.1-3-18-9(d).
 26 A person who knowingly or intentionally violates this subsection
 27 commits a Class C infraction. However, the violation is a Class B
 28 misdemeanor if the person has a prior unrelated adjudication or
 29 conviction for a violation of this section within the previous five (5)
 30 years.

31 (b) It is a defense to a charge under this section if, not later than
 32 thirty (30) days after being cited by the commission, the person who
 33 was cited produces evidence that the appropriate permit was issued by
 34 the commission on the date of the citation.

35 (c) It is a defense to a charge under this section for a new applicant
 36 for a permit if, not later than thirty (30) days after being cited by the
 37 commission, the new applicant who was cited produces a receipt for a
 38 cashier's check or money order showing that an application for the
 39 appropriate permit was applied for on the date of the citation.

40 SECTION 3~~5~~4. IC 7.1-5-7-11, AS AMENDED BY
 41 P.L.163-2025, SECTION 47, IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The provisions



1 of sections 9 and 10 of this chapter shall not apply if the public place
 2 involved is one (1) of the following:
 3 (1) Civic center.
 4 (2) Convention center.
 5 (3) Sports arena.
 6 (4) Bowling center.
 7 (5) Bona fide club.
 8 (6) Drug store.
 9 (7) Grocery store.
 10 (8) Boat.
 11 (9) Dining car.
 12 (10) Pullman car.
 13 (11) Club car.
 14 (12) Passenger airplane.
 15 (13) Horse racetrack facility holding a recognized meeting
 16 permit under IC 4-31-5.
 17 (14) Satellite facility (as defined in IC 4-31-2.1-36).
 18 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
 19 public.
 20 (16) That part of a restaurant which is separate from a room in
 21 which is located a bar over which alcoholic beverages are sold
 22 or dispensed by the drink.
 23 (17) Entertainment complex.
 24 (18) Indoor golf facility.
 25 (19) A recreational facility such as a golf course, bowling center,
 26 or similar facility that has the recreational activity and not the
 27 sale of food and beverages as the principal purpose or function
 28 of the person's business.
 29 (20) A licensed premises owned or operated by a postsecondary
 30 educational institution described in IC 21-17-6-1.
 31 (21) An automobile racetrack.
 32 (22) An indoor theater under IC 7.1-3-20-26.
 33 (23) A senior residence facility campus (as defined in
 34 IC 7.1-3-1-29(c)) at which alcoholic beverages are given or
 35 furnished as provided under IC 7.1-3-1-29.
 36 (24) A hotel other than a part of a hotel that is a room in a
 37 restaurant in which a bar is located over which alcoholic
 38 beverages are sold or dispensed by the drink.
 39 (25) The location of an allowable event to which IC 7.1-3-6.1
 40 applies.
 41 (26) The location of a charity auction to which IC 7.1-3-6.2
 42 applies.



1 (27) A tour of a brewery as provided in IC 7.1-3-20-16.4, if the
 2 minor is in the company of a parent, legal guardian or custodian,
 3 or family member who is at least twenty-one (21) years of age.
 4 (28) A farm winery and any additional locations of the farm
 5 winery under IC 7.1-3-12, if the minor is in the company of a
 6 parent, legal guardian or custodian, or family member who is at
 7 least twenty-one (21) years of age and the minor is accompanied
 8 by the adult in any area that the adult may be present whether or
 9 not the area:
 10 (A) is separated in any manner from where the wine is
 11 manufactured, sold, or consumed within the farm winery
 12 premises; or
 13 (B) operates under a retailer's permit.
 14 (29) An artisan distillery under IC 7.1-3-27, if:
 15 (A) the person who holds the artisan distiller's permit also
 16 holds a farm winery permit under IC 7.1-3-12, or
 17 IC 7.1-3-20-16.4(a) applies to the person; and
 18 (B) the minor is in the company of a parent, legal guardian
 19 or custodian, or family member who is at least twenty-one
 20 (21) years of age.
 21 (30) An art instruction studio under IC 7.1-5-8-4.6.
 22 (31) The licensed premises of a food hall under IC 7.1-3-20-29
 23 and the food and beverage vending space of a food hall vendor
 24 permittee under IC 7.1-3-20-30. However, sections 9 and 10 of
 25 this chapter apply to a bar within the food and beverage vending
 26 space of a food hall vendor permittee under IC 7.1-3-20-30 that
 27 serves alcoholic beverages intended to be consumed while sitting
 28 or standing at the bar.
 29 (32) A refreshment area designated under IC 7.1-3-31.
 30 (33) A small brewery under IC 7.1-3-2-7(5) and a restaurant of
 31 which the small brewery permit holder is the proprietor as
 32 provided in IC 7.1-3-2-7(5)(B), if the minor is accompanied by
 33 a parent, legal guardian, custodian, or family member who is at
 34 least twenty-one (21) years of age. The minor may be in any area
 35 in which the accompanying adult may be present, whether or not
 36 the area:
 37 (A) is separated in any manner from where the beer is
 38 manufactured, sold, or consumed within the small brewery
 39 premises; or
 40 (B) operates under a retailer's permit as provided in
 41 IC 7.1-3-2-7(5)(C).
 42 (34) **A restaurant that satisfies the gross food sales**



requirement provided in IC 7.1-3-20-14.

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room, outdoor patio, or terrace in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

(1) The minor is in the company of a parent, guardian, or family member who is at least twenty-one (21) years of age.

(2) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.

(3) The minor, accompanied by the parent, guardian, or family member who is at least twenty-one (21) years of age, must be seated at a table or booth in the bar area and shall not be seated at the bar over which alcoholic beverages are sold or dispensed by the drink.

SECTION 3~~5~~5. IC 7.1-5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. It is a Class C misdemeanor for a person to recklessly hinder, obstruct, interfere with, or prevent the observance or enforcement of any of the following:

(1) A provision of this title.

(2) A rule or regulation of the commission adopted in the administration of this title.

(3) An order of the commission to suspend or revoke a permit or certificate issued under this title.

SECTION 3 ~~6~~ [6]. IC 15-19-2-3, AS ADDED BY P.L.2-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. The Indiana standardbred advisory board consists of seven (7) members selected as follows:

(1) The chairman of the Indiana horse racing commission, or the chairman's designee, is an ex officio member.

(2) Two (2) members who are members of county fair boards racing participants, appointed by the governor.

(3) Four (4) members appointed by the governor who have in the past participated or shown an interest in the standardbred industry. This interest may, but does not necessarily have to be, evidenced by virtue of being an owner, driver, veterinarian, trainer, or breeder.

Not more than three (3) of the appointees under subdivisions (2) and (3) may be of the same political party as the chairman of the Indiana horse racing commission.

SECTION 3 ~~8~~ [7]. ~~IC 35-31.5-2-320.5 IS ADDED TO THE~~

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 ~~INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS~~
 2 ~~[EFFECTIVE JULY 1, 2026]: See, 320.5. "Sweepstakes game", for~~
 3 ~~purposes of IC 35-45-5, has the meaning set forth in~~
 4 ~~IC 35-45-5-1(j).~~
 5 ~~— SECTION 39. IC 35-31.5-2-336, AS ADDED BY P.L.114-2012,~~
 6 ~~SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
 7 ~~JULY 1, 2026]: Sec. 336. "Tournament", for purposes of IC 35-45-5,~~
 8 ~~has the meaning set forth in IC 35-45-5-1(j). IC 35-45-5-1(k).~~
 9 ~~— SECTION 40. IC 35-31.5-2-337, AS ADDED BY P.L.114-2012,~~
 10 ~~SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~
 11 ~~JULY 1, 2026]: Sec. 337. "Toy crane machine", for purposes of~~
 12 ~~IC 35-45-5, has the meaning set forth in IC 35-45-5-1(k).~~
 13 ~~IC 35-45-5-1(l).~~
 14 ~~— SECTION 41. IC 35-45-5-1, AS AMENDED BY P.L.3-2008,~~
 15 ~~SECTION 252, [IC 24-8-2-1] IS AMENDED TO READ AS~~
 16 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. ~~↳~~ [Except] a ~~↳~~~~
 17 ~~↳ Is otherwise provided, t]he definitions in this <section> [chapter]~~
 18 ~~apply throughout this <chapter>.~~
 19 ~~(b) "Electronic gaming device" means any electromechanical~~
 20 ~~device, electrical device, or machine that satisfies at least one (1) of the~~
 21 ~~following requirements:~~
 22 ~~— (1) It is a contrivance which for consideration affords the player~~
 23 ~~an opportunity to obtain money or other items of value, the~~
 24 ~~award of which is determined by chance even if accomplished by~~
 25 ~~some skill, whether or not the prize is automatically paid by the~~
 26 ~~contrivance.~~
 27 ~~— (2) It is a slot machine or any simulation or variation of a slot~~
 28 ~~machine.~~
 29 ~~— (3) It is a matchup or lineup game machine or device operated~~
 30 ~~for consideration, in which two (2) or more numerals, symbols,~~
 31 ~~letters, or icons align in a winning combination on one (1) or~~
 32 ~~more lines vertically, horizontally, diagonally, or otherwise,~~
 33 ~~without assistance by the player. The use of a skill stop is not~~
 34 ~~considered assistance by the player.~~
 35 ~~— (4) It is a video game machine or device operated for~~
 36 ~~consideration to play poker, blackjack, any other card game,~~
 37 ~~keno, or any simulation or variation of these games, including~~
 38 ~~any game in which numerals, numbers, pictures, representations,~~
 39 ~~or symbols are used as an equivalent or substitute for the cards~~
 40 ~~used in these games.~~
 41 ~~The term does not include a toy crane machine or any other device~~
 42 ~~played for amusement that rewards a player exclusively with a toy, a~~



1 novelty, candy, other noncash merchandise, or a ticket or coupon
 2 redeemable for a toy, a novelty, or other noncash merchandise that has
 3 a wholesale value of not more than the lesser of ten (10) times the
 4 amount charged to play the amusement device one (1) time or
 5 twenty-five dollars (\$25).

6 (c) "Gain" means the direct realization of winnings.

7 (d) "Gambling" means risking money or other property for gain,
 8 contingent in whole or in part upon lot, chance, or the operation of a
 9 gambling device, but it does not include participating in:

10 (1) bona fide contests of skill, speed, strength, or endurance in
 11 which awards are made only to entrants or the owners of entries;
 12 or

13 (2) bona fide business transactions that are valid under the law
 14 of contracts.

15 (e) "Gambling device" means:

16 (1) a mechanism by the operation of which a right to money or
 17 other property may be credited, in return for consideration, as the
 18 result of the operation of an element of chance;

19 (2) a mechanism that, when operated for a consideration, does
 20 not return the same value or property for the same consideration
 21 upon each operation;

22 (3) a mechanism, furniture, fixture, construction, or installation
 23 designed primarily for use in connection with professional
 24 gambling;

25 (4) a policy ticket or wheel; or

26 (5) a subassembly or essential part designed or intended for use
 27 in connection with such a device, mechanism, furniture, fixture,
 28 construction, or installation.

29 In the application of this definition, an immediate and unrecorded right
 30 to replay mechanically conferred on players of pinball machines and
 31 similar amusement devices is presumed to be without value.

32 (f) "Gambling information" means:

33 (1) a communication with respect to a wager made in the course
 34 of professional gambling; or

35 (2) information intended to be used for professional gambling.

36 (g) "Interactive computer service" means an Internet service, an
 37 information service, a system, or an access software provider that
 38 provides or enables computer access to a computer served by multiple
 39 users. The term includes the following:

40 (1) A service or system that provides access or is an intermediary
 41 to the Internet.

42 (2) A system operated or services offered by a library, school,



1 state educational institution, or private postsecondary
 2 educational institution.

3 (h) "Operator" [article.]

4 SECTION 38. IC 24-8-2-1.1 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2026]: Sec. 1.1. "Authorized player" means
 7 a person who <owns, maintains, or operates an Internet site a
 8 website that is used for interactive gambling.

9 (i) "Profit" means a realized or unrealized benefit (other than
 10 a gain) and includes benefits from proprietorship or management
 11 and unequal advantage in a series of transactions.

12 (j) "Sweepstakes":

13 (1) is at least twenty-one (21) years of age;
 14 (2) is physically located in Indiana; and
 15 (3) opens and maintains an access account with an online
 16 sweepstakes operator.

17 SECTION 39. IC 24-8-2-1.2 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2026]: Sec. 1.2. "Bona fide product" means
 20 a digital or tangible good, service, or product that has independent
 21 value and is genuinely offered for sale or use by an online
 22 sweepstakes operator. The term includes online entertainment and
 23 social casino games using standard play tokens.

24 SECTION 40. IC 24-8-2-1.6 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2026]: Sec. 1.6. (a) "Online sweepstakes"
 27 game" means a game, contest, or promotion that is available on the
 28 Internet and is accessible on a mobile phone, computer terminal,
 29 or similar access device that:

30 (1) utilizes a dual-currency system [or multi-currency system]
 31] of payment allowing a player <to exchange currency for a
 32 cash prize, cash award, or cash equivalents or> a chance to
 33 win a <cash>prize<, cash award, or cash equivalents>; and
 34 (2) simulates[lottery games or] casino-style gaming,
 35 including slot machines, video poker, table games, lottery
 36 games, bingo, and sports wagering.<

37 (j) (k) "Tournament" means a contest in which:

38 (1) the consideration to enter the contest may take the form
 39 of a separate entry fee or the deposit of the required
 40 consideration to play in any manner accepted by the:

41 (A) video golf machine; or
 42 (B) pinball machine or similar amusement device



described in subsection (m)(2), (n)(2);
on which the entrant will compete;
(2) each player's score is recorded; and
(3) the contest winner and other prize winners are determined by objectively comparing the recorded scores of the competing players.

(k) (l) "Toy crane machine" means a device that is used to lift prizes from an enclosed space by manipulating a mechanical claw.

(l) (m) For purposes of this chapter:

(1) a card game; or
(2) an electronic version of a card game;
is a game of chance and may not be considered a bona fide contest of skill.

(m) (n) In the application of the definition of gambling set forth in subsection (d), the payment of consideration to participate in a tournament conducted on:

(1) video golf games; or
(2) pinball machines and similar amusement devices that award no prizes other than to mechanically confer an immediate and unrecorded right to replay on players that is presumed to be without value under this section;
is not considered gambling even if the value of a prize awarded in the course of the tournament exceeds the amount of the player's consideration.>l

(b) The term does not include a game that:

- (1) uses a terminal or other access device in a retail or public setting explicitly for use in online sweepstakes game play;**
- (2) is based on an outcome or occurrence within a sporting event;**
- (3) does not award prizes with real world value based on the outcome of game play; or**
- (4) allows a participant to partake in a sweepstakes game ancillary to the purchase of food, nonalcoholic beverages, merchandise, or services other than virtual tokens.**

SECTION 41. IC 24-8-2-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1.7. "Online sweepstakes operator" or "operator" means a person that owns, operates, manages, controls, or otherwise conducts an online sweepstakes platform available to a person located in Indiana.]

41 SECTION 42. ~~IC 35-45-5-3, AS AMENDED BY P.L.158-2013,~~
42 ~~SECTION 531,~~ IC 24-8-2-1.8 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2026]: Sec. 1.8. "Online sweepstakes platform" or "platform"
 3 means a uniquely branded website or application operated by an
 4 online sweepstakes operator for the participation in online
 5 sweepstakes games.

6 SECTION 43. IC 24-8-2-3] IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. ~~(a) A person who~~
 8 ~~knowingly or intentionally:~~

- ~~(1) engages in pool selling;~~
- ~~(2) engages in bookmaking;~~
- ~~(3) maintains, in a place accessible to the public, slot machines, one-ball machines or variants thereof, pinball machines that award anything other than an immediate and unrecorded right of replay, roulette wheels, dice tables, or money or merchandise pushcards, punchboards, jars, or spindles;~~
- ~~(4) conducts lotteries or policy or numbers games or sells chances therein;~~
- ~~(5) conducts any banking or percentage games played with cards, dice, or counters, or accepts any fixed share of the stakes therein; or~~
- ~~(6) accepts, or offers to accept, for profit, money, or other property risked in gambling;~~

23 commits professional gambling, a Level 6 felony. However, the offense
 24 is a Level 5 felony if the person has a prior unrelated conviction under
 25 this subsection:

26 (b) An operator who knowingly or intentionally uses the Internet
 27 to:

- ~~(1) engage in pool selling:~~
 - ~~(A) in Indiana; or~~
 - ~~(B) in a transaction directly involving a person located in Indiana;~~
- ~~(2) engage in bookmaking:~~
 - ~~(A) in Indiana; or~~
 - ~~(B) in a transaction directly involving a person located in Indiana;~~
- ~~(3) maintain, on an Internet site a website accessible to residents of Indiana, the equivalent of:~~
 - ~~(A) slot machines;~~
 - ~~(B) one-ball machines or variants of one-ball machines;~~
 - ~~(C) pinball machines that award anything other than an immediate and unrecorded right of replay;~~
 - ~~(D) roulette wheels;~~



2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 influence the likelihood of obtaining a prize, award, cash, or
 2 cash equivalents.

3 (4) An individual accessing an online sweepstakes game as an
 4 agent or proxy for another person.

5 (5) A person under twenty-one (21) years of age.

6 SECTION 45. IC 24-8-2-5.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2026]: Sec. 5.5. "Promotional play tokens"
 9 means free promotional sweepstakes entry tokens that:

10 (1) cannot be purchased;
 11 (2) allow users to participate in online sweepstakes games;
 12 (3) are made available by free alternative methods of entry;
 13 and
 14 (4) may be offered as bonuses, including the sale of standard
 15 play tokens.

16 SECTION 46. IC 24-8-2-7.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. "Standard play token" means
 19 a virtual token used for online social games that cannot be:

20 (1) redeemed for anything of real-world value;
 21 (2) exchanged for any other type of token, credit, or
 22 consideration, including promotional play tokens; and
 23 (3) transferred by an authorized player to another person.

24 SECTION 47. IC 24-8-3-0.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2026]: Sec. 0.5. This chapter does not apply
 27 to online sweepstakes games.

28 SECTION 48. IC 24-8-4-0.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2026]: Sec. 0.5. This chapter does not apply
 31 to online sweepstakes games.

32 SECTION 49. IC 24-8-5-0.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2026]: Sec. 0.5. This chapter does not apply
 35 to online sweepstakes games.

36 SECTION 50. IC 24-8-5.5 ADDED TO THE INDIANA CODE
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2026]:

39 Chapter 5.5. Online Sweepstakes Games

40 Sec. 1. The operator of an online sweepstakes game shall use
 41 commercially reasonable methods to do the following:

42 (1) Prevent prohibited persons from participating in an



online sweepstakes game.

(2) Verify the identity and age of a person participating in an online sweepstakes game.

(3) Limit an authorized player to one (1) account per platform.

(4) Use geolocation to identify the location of a person participating in an online sweepstakes game.

(5) Protect the privacy, financial information, and personal identifying information of participants.

(6) Initiate all prize redemptions within forty-eight (48) hours of receiving a valid redemption request from an

authorized player.

Sec. 2. An operator of an online sweepstakes game shall provide responsible social gameplay tools to participants, including the following:

(1) Self-exclusion with determinate and irrevocable exclusion time frames. During the course of the exclusion an operator shall take reasonable steps to prevent the person from participating in online sweepstakes games offered by the operator and cease direct marketing to the person.

- (2) The ability to set limits on play time and purchases.**
- (3) Prominently displayed messages and links to responsible social gameplay tools and resources.**

(4) Training to customer-facing employees to identify signs of gaming disorders or unhealthy behavior and address those instances with defined responsible social gameplay protocols and interventions.

Sec. 3. An operator of an online sweepstakes game shall ensure that advertisements, marketing materials, and platforms:

(1) fairly and accurately depict the actual product and gameplay;

(2) clearly and conspicuously display key terms and conditions, including that:

(A) sweepstakes participation is limited to individuals who are at least twenty-one (21) years of age; and

(B) that no purchase is necessary;
(3) provide information and links to responsible social

gameplay resources;
(4) are not deceptive or misleading, including by presenting exaggerated claims of financial gain or unrealistic odds of winning a prize; and

(5) do not knowingly market to an individual less than

2026

IN 1052—LS 6389/DI 137



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

1 twenty-one (21) years of age.

2 Sec. 4. Except as otherwise provided in this chapter, a person

3 may not operate an online sweepstakes game in Indiana without a

4 registration issued by the attorney general.

5 Sec. 5. (a) An online sweepstakes operator shall register each

6 online sweepstakes platform with the attorney general in the

7 manner required by this section before operating in Indiana.

8 (b) An operator shall complete a registration application in the

9 form and manner required by the attorney general. The

10 registration application must include the following:

11 (1) The names and website locations of all platforms

12 operated by the applicant.

13 (2) The name and principal address of the applicant.

14 (3) The address of any offices of the applicant in Indiana, if

15 applicable, and its designated registered agent for process in

16 Indiana.

17 (4) A certificate of good standing issued by the secretary of

18 state.

19 (5) Other information the attorney general deems necessary

20 to ensure compliance with the provisions of this chapter.

21 (c) An operator shall submit to the attorney general a

22 registration fee of one hundred thousands dollars (\$100,000) for

23 each platform registered with the attorney general. A registration

24 fee payment is effective for five (5) years.

25 Sec. 6. (a) The attorney general shall act promptly on

26 registration applications that the attorney general receives under

27 section 5 of this chapter. The attorney general shall issue or deny

28 registration within one hundred twenty (120) days of receiving a

29 completed application and registration fee. Whether an application

30 is complete is determined by the attorney general.

31 (b) If the attorney general denies a registration application, the

32 attorney general shall state with specificity the reasons for the

33 denial and provide the applicant a reasonable opportunity to

34 submit within thirty (30) days additional evidence the attorney

35 general requires to demonstrate compliance with this chapter.

36 Sec. 7. An operator doing business in Indiana before July 1,

37 2026, may continue operating conditionally while a registration

38 application is pending, if the operator submits the registration

39 application within ninety (90) days of the attorney general making

40 the application available.

41 Sec. 8. (a) Within ninety (90) days of the expiration of a

42 registration, an operator may submit to the attorney general an



1 application under section 5 of this chapter to renew the
 2 registration.

3 (b) An operator may continue operating while a renewal
 4 application is pending until the registration renewal is issued or
 5 denied.

6 (c) The attorney general may provide a simplified process for
 7 the renewal of previously approved registrations.

8 Sec. 9. IC 6-2.5 applies to the sale of bona fide products.

9 Sec. 10. A registered operator shall contract with a certified
 10 public accountant to conduct an annual independent audit
 11 consistent with the standards accepted by the Indiana board of
 12 accountancy. A registered operator or their certified public
 13 accountant shall submit to the attorney general a copy of the audit
 14 report each year not later than one hundred twenty (120) days
 15 after the end of the operator's fiscal year.

16 Sec. 11. (a) The attorney general has all powers and duties
 17 necessary to carry out this chapter and may adopt rules necessary
 18 to enforce this chapter.

19 (b) If the attorney general has good cause to believe that an
 20 operator has violated this chapter, the attorney general may
 21 investigate, hold hearings, and take any other action to determine
 22 whether an operator has violated this chapter.

23 (c) If the attorney general finds that an operator has violated
 24 a material provision of this chapter, the attorney general may
 25 impose a civil penalty of not more than one thousand dollars
 26 (\$1,000) for each violation of this chapter, not to exceed ten
 27 thousand dollars (\$10,000) for multiple violations that arise out of
 28 the same transaction or occurrence.

29 (d) Upon a third or subsequent occurrence giving rise to a
 30 violation, the attorney general may:

31 (1) impose a civil penalty under subsection (c); or
 32 (2) suspend or revoke the registration of an operator's
 33 platform.

34 (e) An operator subject to a civil penalty, suspension of
 35 registration, or revocation of registration may request review
 36 before the attorney general and appeal under IC 4-21.5.

37 SECTION 51]. IC 35-45-6-1, AS AMENDED BY P.L.186-2025,
 38 SECTION 240, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The definitions in this section
 40 apply throughout this chapter.

41 (b) "Documentary material" means any document, drawing,
 42 photograph, recording, or other tangible item containing compiled data



1 from which information can be either obtained or translated into a
 2 usable form.

3 (c) "Enterprise" means:

4 (1) a sole proprietorship, corporation, limited liability company,
 5 partnership, business trust, or governmental entity; or
 6 (2) a union, an association, or a group, whether a legal entity or
 7 merely associated in fact.

8 (d) "Pattern of racketeering activity" means engaging in at least
 9 two (2) incidents of racketeering activity that have the same or similar
 10 intent, result, accomplice, victim, or method of commission, or that are
 11 otherwise interrelated by distinguishing characteristics that are not
 12 isolated incidents. However, the incidents are a pattern of racketeering
 13 activity only if at least one (1) of the incidents occurred after August
 14 31, 1980, and if the last of the incidents occurred within five (5) years
 15 after a prior incident of racketeering activity.

16 (e) "Racketeering activity" means to commit, to attempt to commit,
 17 to conspire to commit a violation of, or aiding and abetting in a
 18 violation of any of the following:

19 (1) A provision of IC 23-19, or of a rule or order issued under
 20 IC 23-19.
 21 (2) A violation of IC 35-45-9.
 22 (3) A violation of IC 35-47.
 23 (4) A violation of IC 35-49-3.
 24 (5) Murder (IC [] 35-42-1-1).
 25 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
 26 felony after June 30, 2014 (IC [] 35-42-2-1).
 27 (7) Kidnapping (IC [] 35-42-3-2).
 28 (8) Human and sexual trafficking crimes (IC [] 35-42-3.5).
 29 (9) Child exploitation (IC [] 35-42-4-4).
 30 (10) Robbery (IC [] 35-42-5-1).
 31 (11) Carjacking (IC [] 35-42-5-2) (before its repeal).
 32 (12) Arson (IC [] 35-43-1-1).
 33 (13) Burglary (IC [] 35-43-2-1).
 34 (14) Theft (IC [] 35-43-4-2).
 35 (15) Receiving stolen property (IC [] 35-43-4-2) (before its
 36 amendment on July 1, 2018).
 37 (16) Forgery (IC [] 35-43-5-2).
 38 (17) An offense under IC 35-43-5.
 39 (18) Bribery (IC [] 35-44.1-1-2).
 40 (19) Official misconduct (IC [] 35-44.1-1-1).
 41 (20) Conflict of interest (IC [] 35-44.1-1-4).
 42 (21) Perjury (IC [] 35-44.1-2-1).



1 (22) Obstruction of justice (IC []35-44.1-2-2).
 2 (23) Intimidation (IC []35-45-2-1).
 3 (24) Promoting prostitution (IC []35-45-4-4).
 4 (25) Professional gambling (IC []35-45-5-3).
 5 (26) Maintaining a professional gambling site
 6 (IC []35-45-5-3.5(b)).
 7 (27) Promoting professional gambling (IC []35-45-5-4).
 8 (28) Dealing in or manufacturing cocaine or a narcotic drug
 9 (IC []35-48-4-1).
 10 (29) Dealing in methamphetamine (IC []35-48-4-1.1).
 11 (30) Manufacturing methamphetamine (IC []35-48-4-1.2).
 12 (31) Dealing in a schedule I, II, or III controlled substance
 13 (IC []35-48-4-2).
 14 (32) Dealing in a schedule IV controlled substance
 15 (IC []35-48-4-3).
 16 (33) Dealing in a schedule V controlled substance
 17 (IC []35-48-4-4).
 18 (34) Dealing in marijuana, hash oil, hashish, or salvia
 19 (IC []35-48-4-10).
 20 (35) Money laundering (IC []35-45-15-5).
 21 (36) A violation of IC 35-47.5-5.
 22 (37) A violation of any of the following:
 23 (A) IC 23-14-48-9.
 24 (B) IC 30-2-9-7(b).
 25 (C) IC 30-2-10-9(b).
 26 (D) IC 30-2-13-38(f).
 27 (38) Practice of law by a person who is not an attorney
 28 (IC []33-43-2-1).
 29 (39) An offense listed in IC 35-48-4 involving the manufacture
 30 or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 31 synthetic drug lookalike substance (as defined in
 32 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 33 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 34 substance analog (as defined in IC 35-48-1.1-8), or a substance
 35 represented to be a controlled substance (as described in
 36 IC 35-48-4-6).
 37 (40) Dealing in a controlled substance resulting in death
 38 (IC []35-42-1-1.5).
 39 (41) Organized retail theft (IC []35-43-4-2.2).
 40 (42) **Sale of alcohol without a permit (IC []7.1-5-10-5).**
 41 SECTION ~~44~~⁴⁴[52]. IC 35-46-1-8, AS AMENDED BY
 42 P.L.186-2025, SECTION 242, IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) A person at least
 2 eighteen (18) years of age who knowingly or intentionally encourages,
 3 aids, induces, or causes a child to commit an act of delinquency (as
 4 defined by IC 31-37-1 or IC 31-37-2) commits contributing to
 5 delinquency, a Class A misdemeanor, except as provided in
 6 subsections (b) through (e).

7 (b) If the delinquent act described in subsection (a) would be a
 8 felony if committed by an adult, the offense described in subsection (a)
 9 is a felony of the same level as the delinquent act would be if
 10 committed by an adult.

11 (c) The offense described in subsection (a) is a Level 5 felony if:
 12 (1) the person committing the offense is at least twenty-one (21)
 13 years of age and knowingly or intentionally furnishes:
 14 (A) an alcoholic beverage to a child in violation of
 15 IC 7.1-5-7-8 when the person committing the offense knew
 16 or reasonably should have known that the person furnished
 17 the alcoholic beverage was a child; or
 18 (B) a controlled substance (as defined in IC 35-48-1.1-7) or
 19 a drug (as defined in IC 9-13-2-49.1) in violation of Indiana
 20 law; and
 21 (2) the consumption, ingestion, or use of the alcoholic beverage,
 22 controlled substance, or drug is the proximate cause of the death
 23 of any person.

24 (d) Except as provided in subsection (c), the offense described in
 25 subsection (a) is a Level 6 felony if:
 26 (1) the person committing the offense is at least twenty-one (21)
 27 years of age;
 28 (2) the child who commits the delinquent act is less than sixteen
 29 (16) years of age; and
 30 (3) the act would be a misdemeanor if committed by an adult.

31 (e) If the person who commits the offense described in subsection
 32 (a) is at least twenty-one (21) years of age, and the child who commits
 33 the delinquent act is less than sixteen (16) years of age, the offense is:
 34 (1) a Level 5 felony if the delinquent act would be a Level 6
 35 felony if committed by an adult;
 36 (2) a Level 4 felony if the delinquent act would be a Level 5
 37 felony if committed by an adult;
 38 (3) a Level 3 felony if the delinquent act would be a Level 4
 39 felony if committed by an adult;
 40 (4) a Level 2 felony if the delinquent act would be a Level 3
 41 felony if committed by an adult;
 42 (5) a Level 1 felony if the delinquent act would be a Level 1 or



1 2 felony if committed by an adult; or
 2 (6) punishable under IC 35-50-2-3(a) (penalty for murder) if the
 3 delinquent act would be murder if committed by an adult.

4 **(f) A person who refuses to provide either:**
 5 **(1) the person's name, address, and date of birth; or**
 6 **(2) the person's driver's license, if in the person's possession;**
 7 **to a law enforcement officer who has reason to believe the person**
 8 **is not at least twenty-one (21) years of age and has committed an**
 9 **act that would not be an infraction or a misdemeanor if committed**
 10 **by a person twenty-one (21) years of age or older, commits a Class**
 11 **C misdemeanor.**

12 SECTION ~~45~~⁵³. IC 35-46-6-3, AS AMENDED BY
 13 P.L.163-2025, SECTION 68, IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A person who
 15 knowingly or intentionally uses or distributes nitrous oxide with intent
 16 to cause a condition of intoxication, euphoria, excitement, exhilaration,
 17 stupefaction, or dulling of the senses of another person, unless the
 18 nitrous oxide is to be used for medical purposes, commits a Class B
 19 misdemeanor. However, the offense is a Class A misdemeanor if the
 20 person has a prior unrelated conviction under this section.

21 (b) Except as provided in subsection (c), a person who knowingly
 22 or intentionally sells, uses, or distributes flavored nitrous oxide
 23 commits a Class B misdemeanor. However, the offense is a Class A
 24 misdemeanor if the person has a prior unrelated conviction under this
 25 section.

26 (c) The prohibition on the sale, **use, or distribution** of flavored
 27 nitrous oxide in subsection (b) does not apply to:

28 (1) a retail or wholesale restaurant supply company that sells or
 29 distributes flavored nitrous oxide to a person for use in food and
 30 beverage preparation or other culinary purposes; **or**
 31 (2) a person that uses flavored nitrous oxide in food and
 32 beverage recipes or for other legitimate culinary purposes; **or**
 33 **(3) a law enforcement agency that is disposing of flavored**
 34 **nitrous oxide by donation to a nonprofit organization.**

