



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

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February 24, 2026

The Honorable Representative Rebecca Himschoot  
Co-Chair, House Community and Regional Affairs  
Alaska State Capitol, Room 411  
Juneau, Alaska 99801

The Honorable Representative Donna Mears  
Co-Chair, House Community and Regional Affairs  
Alaska State Capitol, Room 102  
Juneau, Alaska 99801

Dear Co-Chairs Himschoot and Mears,

During the February 24, 2026, House Community and Regional Affairs hearing for HB 155 (Alcohol Sales: Local Option), the committee asked for a brief history of local option laws. I have attached "Title 4 Local Option Law: Controlling Alcohol in Alaska's Cities and Villages" prepared by the Division of Community and Regional Affairs and last revised 2018 which includes a background of local option law, a description of the local options, and procedures for enacting a local option.

This statute was amended three times in the last twenty years. SB 170 took effect July 1, 2004, SB 45 took effect October 11, 2018, and SB 9 took effect January 1, 2024. None of these bills provided for a new local option. As of March 13, 2024, there are approximately 109 communities that have implemented one of the local options.

I have gone through board meeting minutes and AMCO files and cannot find a discussion of a local option that considers private and municipal licensure.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Richard".

Kevin Richard  
Director

Enc. Title 4 Local Option Law, SB 0170Z, SB0045Z, SB0009Z, LocalOption3.13.24

cc: Lizzie Kubitz, Legislative Liaison, DCCED  
Jordan Shilling, Director, Governor's Legislative Office

# **Title 4**

## **Local Option Law**

**Controlling Alcohol in Alaska's  
Cities and Villages**



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Department of Commerce, Community, and Economic  
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# Acknowledgments

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This publication is not the official version of Title 4 of Alaska Statutes, and is intended as an informational guide only. To be certain of the current version of the statutes and regulations, please refer to the official version of statutes published by the Alaska Legislative Council.

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# LOCAL OPTION LAW

Title 4, Alcoholic Beverages, is the state law that deals with the regulation, control and distribution of alcoholic beverages throughout Alaska. The law includes provisions (AS 04.11.491) that allow local residents to hold an election to select one of five options to determine whether or not the sale, importation, or possession of alcohol will be allowed in the community. These are referred to as local options, and the elections are referred to as local option elections. Residents of a community may also choose to not have a local option election, in which case all other provisions of Title 4 will apply.

## Background of Local Option Law

Before Alaska became a state, liquor laws in most of Alaska's rural communities were enforced by federal marshals, although enforcement was often limited due to lack of funds. After statehood in 1959, the Alaska Legislature adopted Title 4 of Alaska Statutes to regulate the sale and dispensing of alcohol throughout the state. Initially under Title 4, municipalities were empowered to hold local option elections for banning the sale of alcoholic beverages in the community, but not to ban importation or possession of alcoholic beverages. Unincorporated villages were not empowered to hold local option elections.

By the late 1970s, amendments had been added to the alcohol control laws that were sometimes contradictory and unenforceable. At the same time, there was growing concern about the steady increase in alcohol-related problems and deaths in Alaska. In 1980, the legislature adopted major revisions to Title 4 to clarify the law. These revisions expanded local option to unincorporated communities (established villages), and gave communities the additional option of prohibiting the sale and importation of alcoholic beverages. In 1986, the legislature added another local option alternative to Title 4 – the option for communities to ban the possession of alcoholic beverages. The basic local control options have remained essentially the same since then, with some additional changes to Title 4 that improve the ability to enforce local option laws.

Since 1981, over 100 communities in rural Alaska have held at least one local option election. Nearly 70 percent of the elections resulted in restrictions placed on alcohol. For more information, please visit the Alcohol & Marijuana Control Office's website for the most recent status of local option laws in effect by community.

## Summary of Local Options

Local Option	What	Where
<b>Local Option 1: Prohibits Sale</b>	<ul style="list-style-type: none"> <li>- Bans sale</li> <li>- Allows importation and possession</li> </ul>	<ul style="list-style-type: none"> <li>- Municipalities</li> <li>- Established Villages</li> </ul>
<b>Local Option 2: Prohibits Sale, Except by Selected Licenses</b>	<ul style="list-style-type: none"> <li>- Allows sale by type of license(s) listed on ballot and approved by voters</li> <li>- Allows importation and possession</li> <li>- Prohibits the sale of alcoholic beverages except by one or more of the following:               <ul style="list-style-type: none"> <li>a) a restaurant or eating place licensee</li> <li>b) a beverage dispensary licensee</li> <li>c) a package store licensee</li> <li>d) a caterer holding a permit under AS 04.11.230 to sell alcoholic beverages at a site within the municipality who is also licensed under a beverage dispensary license for premises outside of the municipality</li> <li>e) a winery licensee</li> <li>f) a winery licensee, except that sales may occur only to a person licensed under this title or in another state or country</li> <li>g) an outdoor recreation lodge licensee</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Municipalities</li> <li>- Established Villages</li> </ul>
<b>Local Option 3: Prohibits Sale, Except on Premises Operated by the Municipality</b>	<ul style="list-style-type: none"> <li>- Allows municipality to operate specified liquor license(s) listed on ballot and approved by voters</li> <li>- Prohibits the sale of alcoholic beverages except on premises operated by the municipality and under a type of licensed premises that may include one or more of the following license(s):               <ul style="list-style-type: none"> <li>a) a restaurant or eating place license</li> <li>b) a beverage dispensary license</li> <li>c) a package store license</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Municipalities Only</li> </ul>
<b>Local Option 4: Prohibits Sale and Importation</b>	<ul style="list-style-type: none"> <li>- Bans sale and importation (except for sacramental wine used for religious purposes)</li> <li>- Allows possession</li> </ul>	<ul style="list-style-type: none"> <li>- Municipalities</li> <li>- Established Villages</li> </ul>
<b>Local Option 5: Prohibits Sale, Importation, and Possession</b>	<ul style="list-style-type: none"> <li>- Bans sale, importation and possession (except for sacramental wine used for religious purposes)</li> <li>- Requires municipal ordinance</li> </ul>	<ul style="list-style-type: none"> <li>- Municipalities</li> <li>- Established Villages</li> </ul>

More details can be found in the “Effect of Each Local Option” section of this publication.

## **Procedure for Holding a Local Option Election**

Municipalities and established villages use different local option election processes. In a municipality a local option election is administered by the municipality in accordance with its election ordinance, state statute (AS 29.26.110-160) and the procedures prescribed in Title 4. In an established village, the election is administered by the State of Alaska Division of Elections in accordance with the state's election procedures found in Title 15 of the Alaska Statutes.

### ***Local Option Election in a Municipality***

The following process must be followed to hold a local option election in a municipality. (Sample applications, petitions, ballots, and ordinances are included in the appendix).

#### **Application for Petition**

The person (sponsor) wanting an election must file an application for petition with the municipal clerk. The application must be signed by at least ten resident registered voters. The application should include the specific option to be considered, and the name and address of a contact person. Within two weeks of submitting the application, the clerk shall certify the application if it is in proper form and complies with AS 29.26.110(a).

#### **Petition**

After certifying an application, the clerk has two weeks to prepare a petition asking for a vote on the selected option. The petition must contain the following, in accordance with AS 29.26.120 and AS 04.11.507 (additional requirements may apply based on local ordinance):

- a) The specific option to be considered;
- b) The date on which the petition is issued by the clerk;
- c) Notice that signatures must be secured within 90 days after the date the petition is issued;
- d) Spaces for signature, the printed name of each signer, the date of each signature, and the residence and mailing address of each signer;
- e) A statement with a space for the sponsor's sworn signature and date of signing, that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be; and
- f) Space for indicating the total number of signatures on the petition.

The clerk shall notify the contact person in writing when the petition is available, and shall provide copies of the petition to each sponsor requesting copies. To require an election, the petition must be signed by a number of registered voters equal to 35 percent of the number of votes cast in the last regular municipal election [AS 04.11.507(b)]. The clerk shall determine the number of

signatures required and inform the contact person in writing. After the clerk issues the petition, petitioners have 90 days to get the necessary signatures (in ink or indelible pencil) on the petition and to file it with the municipal clerk. Any signatures by people not registered to vote in the municipality are not counted towards the required 35 percent.

Within 10 days after the date the petition is filed, the municipal clerk shall certify the petition as sufficient, or if it is insufficient, shall identify the insufficiency and notify the contact person by certified mail (AS 29.26.140). In certifying the petition, the clerk verifies that the required number of registered resident voter signatures was obtained.

If the petition is insufficient, the sponsor will then have 10 days to get the necessary signatures. If the required number of signatures are obtained before the time runs out, the petition is certified by the clerk. If time runs out before the required number of valid signatures are obtained, the petition will be rejected. A new petition can be initiated after six months, or any later time, provided a new application for petition is approved by the clerk.

### **Scheduling an Election in a Municipality**

If the clerk certifies the petition, the municipal governing body shall place the requested local option on a separate ballot at the next regular election, or at a special election, [AS 04.11.507(b)]. If no election is scheduled to occur within 75 days after certification of the petition, a special election may be held, but not sooner than 60 days after certification of the petition [AS 29.26.170(a)]. The election shall be conducted under the election ordinance of the municipality.

### **Election Procedures for a Municipality**

A municipality conducts a local option election according to the procedures outlined in its election ordinance, which should describe the duties of the clerk, council, and election officials. Election procedures should be reviewed well ahead of the time for a regular or special election.

The procedures for conducting a local election should include:

- Selecting election officials and staff
- Giving proper election notice
- Setting up the polling place
- Opening the polls
- Having the local option question on a separate ballot
- Challenging voters / questioned ballots
- Counting the ballots
- Certifying the election
- Establishing an election file

The clerk shall notify the Alcoholic Beverage Control Board (ABC Board) of the results of any local option election immediately after the results are certified. The board in turn shall immediately notify the Department of Law and Department of Public Safety of the results of the election (AS 04.11.509).

Title 4 requires an ordinance be adopted by the city council, if a majority of the voters vote “yes” on the question of prohibiting possession also known as Local Option 5 [AS 04.11.501(c)]. Cities may adopt local ordinances implementing the other four options, but it isn’t required by Title 4.

## ***Local Option Election in an Established Village***

Unlike in a municipality where the local option election is conducted by the local government, the State of Alaska Division of Elections is responsible for conducting a local option election in an unincorporated community (Established Village). (Sample petitions are included in the appendix.)

### **Petition**

The petition is developed locally asking for a vote on a selected option. (An application for petition is not required.) The language on the petition should be substantially similar to the options set out under AS 04.11.491–AS 04.11.495.

The petition must be signed by 35 percent of the registered voters residing within the established village. The village administrator may request the current list of registered voters for the community by contacting the Division of Elections. The community can use the voter registration list to help ensure that petition signers are resident voters. The signed petition must be filed with the Division of Elections within 90 days after first circulated.

The director of elections will review the petition to determine if it meets Title 4 requirements, and will verify the submitted signatures within 30 days after receiving the petition. If the director determines that the petition is not in compliance or that it does not contain the required number of signatures of eligible voters, the director will reject the petition and return it to the sponsor. The director will notify the sponsor in writing of the reason the petition was rejected. A rejected petition may not be resubmitted. (6 AAC 27.170)

### **Scheduling an Election in an Established Village**

The election is the responsibility of the Division of Elections. The lieutenant governor’s office shall notify the ABC Board of any local option election immediately after the results are certified. The board in turn shall immediately notify the Department of Law and Department of Public Safety of the results of the election (AS 04.11.509).

### **Perimeter of Established Village**

If a local option is approved, the geographic area where it applies includes only the geographic area within the established village. The perimeter of an established village is a circle around the village that includes an area within a five-mile radius of the post office. If the established village does not have a post office, the perimeter of the village is a circle around the village that includes

an area within a five-mile radius of another site selected by the local governing body [AS 04.11.508 (a)].

## **EFFECT OF EACH LOCAL OPTION**

### **Local Option 1: Prohibits Sale of Alcoholic Beverages**

**Authority:**

AS 04.11.491(a) (1) Municipality

AS 04.11.491(b) (1) Established Village

The question will read substantially as follows:

***“Shall (name of city or village) adopt a local option to prohibit the sale of alcoholic beverages? (Yes or No)”***

If a majority of the voters vote “yes,” the sale of alcoholic beverages in the municipality, and within five miles of its boundary, or in the established village is forbidden. Under this option, although the sale of alcoholic beverages in the community is prohibited, importation and possession are still allowed. The prohibition on sales is effective the first day of the month following certification of the election. Existing licenses that allow the sale of alcoholic beverages are void 90 days after certification.

If a majority of the voters vote “no,” there will be no restrictions on the issuance, renewal, or transfer of liquor licenses except those imposed by statute. In either case, selling alcoholic beverages without a license (bootlegging) is illegal under state law.

## Local Option 2: Prohibits Sale of Alcoholic Beverages, Except by Selected Licenses

Prohibits the sale of alcoholic beverages except by one or more of the following:

- a) a restaurant or eating place licensee
- b) a beverage dispensary licensee
- c) a package store licensee
- d) a caterer holding a permit under AS 04.11.230 to sell alcoholic beverages at a site within the municipality who is also licensed under a beverage dispensary license for premises outside of the municipality
- e) a winery licensee
- f) a winery licensee, except that sales may occur only to a person licensed under this title or in another state or country
- g) an outdoor recreation lodge licensee

### Authority:

AS 04.11.491(a) (2) Municipality

AS 04.11.491(b) (2) Established Village

The question will read substantially as follows:

***“Shall (name of city or village) adopt a local option to prohibit the sale of alcoholic beverages except by (list the types of licenses which would be exempted from the prohibition of the sale of alcoholic beverages if the measure passes.)? (Yes or No)”***

If the question to be voted on concerns the sale of alcoholic beverages in a restaurant, the ballot must explain that this type of license only allows the sale of beer and wine, to be consumed only on the licensed premises. If the question concerns the sale of alcoholic beverages in a beverage dispensary, the ballot must include an explanation that this type of license is commonly called a “bar,” and that it allows the sale of beer, wine and liquor to be consumed only on the licensed premises. If the question concerns the sale of alcoholic beverages in a package store, the ballot must explain that this type of license is commonly called a “liquor store” and that this type of license allows sale of beer, wine and liquor to be consumed only off-premises. (The selected licenses can also include a caterer’s license or a winery license, although these types of licenses are rare in Alaska’s small communities.)

If the majority of the voters vote “yes,” there will be no license issued or transferred within the boundaries of the city, or within five miles of the boundaries of the city, or in the established village except those types of licenses listed on the ballot. Existing licenses not listed on the ballot are void 90 days after the election is certified. Under this option, although the sale of alcoholic beverages is limited to the type of license specified on the ballot, the importation, and possession of alcohol are still allowed.

If the majority of the voters vote “no,” there will be no restrictions on the issuance of new licenses, or the renewal, or transfer of existing liquor licenses except those imposed by statute.

## **Local Option 3: Prohibits Sale of Alcoholic Beverages, Except on Premises Operated by the Municipality**

Prohibits the sale of alcoholic beverages except on premises operated by the municipality and under a type of licensed premises listed on the ballot that may include one or more of the following license(s):

- a) a restaurant or eating place license
- b) a beverage dispensary license
- c) a package store license

### **Authority:**

AS 04.11.491(a) (3) Municipality

The question will read substantially as follows:

***“Shall (name of city) adopt a local option to prohibit the sale of alcoholic beverages except on premises operated by the municipality and under a license for (list the type of licenses)? (Yes or No)”***

If a majority of the voters vote “yes,” the sale of alcoholic beverages within the city or within five miles of the boundary of the city is forbidden. The only exception is a beverage dispensary and/or package store and/or restaurant operated under a license held by the city. Other existing licenses are void 90 days after the election is certified.

If the majority of voters vote “no,” restrictions on the issuance, renewal, or transfer of liquor licenses will be the same as before the election, and the importation and possession of alcoholic beverages are still allowed.

## **Local Option 4: Prohibits Sale and Importation of Alcoholic Beverages**

### **Authority:**

AS 04.11.491(a) (4) Municipality

AS 04.11.491(b) (3) Established Village

The question will read substantially as follows:

***“Shall (name of city or village) adopt a local option to prohibit the sale and importation of alcoholic beverages? (Yes or No)”***

If a majority of the voters vote “yes,” the sale of alcoholic beverages in the community would be prohibited, and no person may send, transport, or bring an alcoholic beverage into the city or established village (except for sacramental wine used for religious purposes in accordance with Title 4). The prohibition begins on the first day of the month following certification of the election. Existing licenses in the municipality or within five miles of its boundaries, or within the established village expire 90 days after the election is certified.

If the majority of the voters vote “no,” the sale of alcoholic beverages in accordance with Title 4 requirements will be allowed and there will be no restrictions on the issuance, renewal, or transfer of liquor licenses, or on the importation of alcoholic beverages except those imposed by statute. Under this option, the sale and importation of alcoholic beverages are prohibited, but possession is still allowed.

*One of the first times this law was challenged, a person imported several cases of beer into a “dry” community for personal use. He was caught, tried and punished. Often importation is difficult to prove because the defendant must be actually caught transporting liquor into the community.*

## **Local Option 5: Prohibits Sale, Importation, and Possession of Alcoholic Beverages**

### **Authority:**

AS 04.11.491(a) (5) Municipality

AS 04.11.491(b) (4) Established Village

The question will read substantially as follows:

***“Shall (name of city or village) adopt a local option to prohibit the sale, importation, and possession of alcoholic beverages? (Yes or No)”***

If the majority of the voters vote “yes,” the municipality or established village shall post a public notice of the prohibition in a central location in the municipality or village. The local media (radio, TV, and newspapers) and applicable air carriers should also be notified. A person may not knowingly possess an alcoholic beverage in the municipality or established village unless it is sacramental wine to be used for religious purposes as specified in Title 4.

If there are licensed premises within the community, the prohibition on possession takes effect 90 days after the results of the election are certified. Existing licenses will be void after 90 days. If there are no licensed premises within the community, the prohibition on possession takes effect 60 days after the results of the election are certified (AS 04.11.501).

If this option is adopted by a municipality, the municipality must pass an ordinance containing the provisions of the local option.

## **OTHER PROVISIONS OF LOCAL OPTION LAW**

### **Dissolution**

If a municipality dissolves under AS 29.06.450 (a) or (b), a local option adopted by the municipality shall continue in effect as the local option for an established village having the same perimeter as the previous boundaries of the municipality. Any municipally owned license operated under AS 04.11.505 expires when the municipality dissolves [AS 04.11.491(e)].

### **Delivery Sites**

If a municipality or established village has adopted a local option to ban or restrict the sale of alcoholic beverages under AS 04.11.491, but has not banned the importation of alcoholic

beverages, it may designate a site for the delivery of alcoholic beverages to individuals or a site for a person to bring alcoholic beverages if they are imported into the area. This does not apply to:

- a) one liter or less of distilled spirits, two liters or less of wine, or one gallon or less of malt beverages; or
- b) Alcoholic beverages to a premises licensed under AS 04.11.491.

## **Limitations on Quantities**

In an area where the sale of alcoholic beverages is restricted or prohibited under AS 04.11.491, it is unlawful to ship more than 10.5 liters of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages in a calendar month to an unlicensed purchaser in that area. Possession of any of these amounts of alcoholic beverages creates a presumption that the person possessed the alcoholic beverages for sale [AS 04.11.010 and AS 04.11.150 (g)]. A municipality or established village may vote to establish lower limits on the amounts of alcoholic beverages that may be imported or possessed, as part of the local option question [AS 04.11.491 (g) (1-3)].

## **Change of Local Option Law/Reconsideration**

After a local option election takes place and an ordinance is passed, some people may still be unhappy with the way alcohol is being regulated in the community.

A person may wish to change the local option to one that is more restrictive, less restrictive, or to remove the local option completely.

When can a person start working on another petition to choose a different option?

1. If choosing a more restrictive option than the one voted in:

A new petition may be started or filed as soon as the previous election is certified. Only one local option question may be presented in an election at a time [AS 04.11.507 (g)].

2. If choosing a less restrictive option:

An election to remove a local option or to change to a less restrictive option may not be conducted during the first 24 months after the current option was adopted, or more than once in a 36 month period [AS 04.11.507 (f)].

# ENFORCEMENT

Enforcement of local option laws is provided by the:

- Village Public Safety Officer, Village Police Officer, and City Police Officer
- Alaska State Troopers
- Magistrate
- Judge and Court
- Alcoholic Beverage Control Board

Tribal courts can enforce local option laws in an established village, depending on the resources and desires of the tribal government.

Community members can help enforce the law by contacting enforcement agencies. In some communities, this may be the only local enforcement since there may not be a VPSO, police officer, or trooper present in the community. If the majority of community members do not actively support the local option laws and the law enforcement agencies, enforcement of those laws will always be difficult.

## Federal Aviation Administration

The Federal Aviation Administration does not enforce any state or local alcohol laws. It only enforces situations governed by federal law. As an example: federal law prohibits air carriers from transporting a drunken person. This protects the other passengers and the pilot.

## Alcoholic Beverage Control (ABC Board)

### Application for Liquor Licenses

Except as provided by law, a person may not manufacture, sell, offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage unless the ABC Board has issued that person a license or permit (AS 04.11.010). Currently, the ABC Board issues 21 different types of licenses and permits. Beverage dispensary (bar) licenses, package store (liquor store) licenses, and restaurant or eating place licenses are the most common.

The ABC Board reviews and decides all applications for liquor licenses and permits, which are good for two years. Unless a legal action is pending regarding the application, the ABC Board makes its decision within 90 days. However, the decision cannot be made before the time allowed for protest by the local governing body has elapsed, unless the right to protest is waived [AS 04.11.510 (a)].

## Public Influence on Licenses

The public has the right to object to an application for issuance, renewal or transfer of a license, or for issuance of a permit. A person wishing to object should write a letter to the ABC Board stating why a license should not be issued and send a copy of the letter to the applicant. The person may also testify to the ABC Board at a hearing when it considers the application. The ABC Board considers all comments before deciding whether to grant the license (AS 04.11.470).

Title 4 also gives local governing bodies the right to protest the issuance, renewal, relocation or transfer of a license. The “local governing body” means, as appropriate, a city council, borough assembly or traditional village council, but does not include a corporation established in the Alaska Native Claims Settlement Act [AS 04.21.080(b) (16)].

When the ABC Board receives a license application from within an established village, an incorporated city, an organized borough or a unified municipality, the board must notify the local governing body within 10 days. If the governing body wishes to protest the license, it must do so within 60 days after this notification is received.

To protest a liquor license, the local governing body must write a letter to the ABC Board stating why it doesn’t want the license to be granted. The first sentence or heading of the letter should note the letter is a protest. The reasons for wishing that a liquor license not be issued or renewed must be clearly stated and a copy of the letter must also be sent to the applicant. The ABC Board shall consider the protest and any testimony received at a hearing conducted when it considers the application, which shall be denied unless the ABC Board finds that the objections are arbitrary, capricious, and unreasonable.

In a first or second class city or established village where there are no licensed premises at the time of application, a new license or permit will be denied by the ABC Board unless a local option election has been held and a majority of voters have voted against restricting or prohibiting the sale of alcohol; have voted to approve a local option to allow a specific type of license [AS 04.11.491(a)(2) or (3) or AS 04.11.491(b)(2)]; or have voted to remove a restriction or prohibition on the sale of alcoholic beverages (AS 04.11.320).

## **Application for New License or Permit**

If a person, company, corporation or other entity wants to get a license to sell alcoholic beverages, there is a procedure that must be followed. AS 04.11.260 requires all applications be submitted in writing to the director of the ABC Board. Applications must be signed, and sworn to by the applicant, giving the applicant's name and address, and must include:

1. The type of license or permit desired
2. A description of the premises for which the license or permit is desired
3. The license fee
4. The duration of the license or permit
5. Any other information required by the board.

In addition, the applicant must submit:

1. Proof that notice required by AS 04.11.310 has been given. A copy of the application must be posted for 10 days at the location of the proposed licensed premises and at any additional locations designated by the ABC Board.
2. Any petitions required under AS 04.11.460. An application for license for premises outside, but within 50 miles of the boundaries of a municipality, requires a petition, signed by a majority of the permanent residents within one mile of the proposed premises, requesting the license be issued. If more than 50 miles from the nearest municipality, the petition must be signed by two-thirds of the permanent residents residing within five miles of the U. S. Postal Service office nearest the proposed licensed premises.
3. Evidence of any approval by public authorities required to be obtained under AS 04.11.220(c).

## **After a Liquor License has been issued**

Generally, after a license is issued, it expires on December 31 of the second year. A licensee must apply to renew the license between November 1 and December 31 of the second year.

After a liquor license has been issued, certain rules must be followed.

Examples include:

- Alcoholic beverages cannot be sold between 5:00 AM and 8:00 AM each day.
- Alcoholic beverages cannot be sold to a drunken person.
- Alcoholic beverages cannot be sold or given to a person under the age of 21.

(Refer to Alaska Statutes, Title 4, Alcoholic Beverages, for details. This publication is not the official version of Title 4 of Alaska Statutes, and is intended as informational guide only.)

The ABC Board investigates situations when any of the rules are broken. Contact the ABC Board at the address below with complaints.

**Alcohol & Marijuana Control Office**

**The Atwood Building**

**550 West 7th Avenue, Suite 1600**

**Anchorage, Alaska 99501**

**Telephone: (907) 269-0350**

**Fax: (907) 334-2285**

# PENALTIES

A community considering a local option election must be fully aware of what can happen to someone who breaks the proposed law. Each individual case is looked at differently. The penalty and/or fine a guilty person receives depend on many different things: the person's past criminal record; recent behavior in the community; and, recommendations made by the traditional, IRA, or city council to the judge or magistrate.

*Liquor sold to a minor (someone under 21 years of age), is a Class A misdemeanor in a community that has not adopted a local option, and a Class C felony in a community that has adopted a local option.*

## Bootlegging

Sale of alcoholic beverages for profit without a license (bootlegging) is always illegal, whether the community is "wet" or "dry." An unlicensed person selling hard liquor (gin, whiskey, rum, etc.), or wine, or malt beverages (beer) in a community that has not adopted a local option, commits a Class A misdemeanor, and will be sentenced to at least 10 days in jail (AS 04.16.200) and can be sentenced up to one year in jail and/or fined up to \$5,000.00.

An unlicensed person selling hard liquor or wine or malt beverages in a community that has adopted a local option under AS 04.11.491 commits a Class C felony, and can be sentenced up to five years in jail and/or fined up to \$50,000.00.

***Because alcohol remains legal in many areas of Alaska, illegal bootlegging activities continue to be a problem in many communities.***

*The Alaska state troopers applied for and received federal funding for five investigators whose function is focused on alcohol issues. In 2007... (They) dedicated a significant amount of their time to alcohol investigations to include shipments through the U.S. mail. This resulted in alcohol seizures of approximately 881 gallons in 2007.*

2007 Annual Drug Report, Alaska Bureau of Alcohol & Drug Enforcement

## Importation

The penalty for sending, transporting or bringing alcoholic beverages into a municipality or established village that has prohibited the importation of alcoholic beverages under Title 4 depends on the amount of alcohol brought into the community.

A person importing less than 10.5 liters of distilled spirits (hard liquor), 24 liters of wine or less than 12 gallons of malt beverages (beer) into a community that has adopted a local option to prohibit sale and importation commits a Class A misdemeanor [AS 04.16.200(e)(1)], and can be sentenced up to one year in jail and/or fined up to \$5,000.00.

A person importing 10.5 liters or more of distilled spirits (hard liquor), 24 liters or more of wine or 12 gallons or more of beer into a community that has adopted a local option to prohibit sale and importation commits a Class C felony [AS 04.16.200(e)(2)], and can be sentenced up to five years in jail and/or fined up to \$50,000.00.

*In July 2004, Kotzebue investigators saw a person loading alcohol into a vehicle at the airport. The vehicle operator drove to an 18-foot boat where the suspect loaded and hid the alcohol on the boat. (The alcohol was being delivered to a nearby local option community.) Property seized from the investigation included the boat valued at \$8,500, the vehicle valued at \$12,000, 60 cans of beer, and 14 bottles of alcohol. The alcohol was valued at \$5,100. Three suspects were arrested in this case.*

2004 Annual Drug Report, Alaska Bureau of Alcohol and Drug Enforcement

## Possession

A person convicted of possession in a community that has adopted a local option to prohibit possession may be punished by a fine of no more than \$1,000.00 or 200 hours of community work and shall forfeit the seized alcoholic beverages. When a peace officer stops or contacts a person suspected of possession, the peace officer may issue a citation to the person.

# SEARCH AND SEIZURE

## Search Warrants

A search warrant is an order signed by a judge, granting permission for a law enforcement officer to search a place for something. An officer may only search the place specified on the warrant and cannot search anywhere else.

**Example:** *A trooper gets a search warrant to search Paul's house. The trooper may search only Paul's house and cannot search Wassillie's house or anywhere else.*

An officer may look only for items specified on the search warrant.

**Example:** *A trooper has a search warrant to search Paul's house for alcoholic beverages. The trooper can look in cupboards, drawers, or anywhere else that alcoholic beverages may be hidden. However, the trooper may not open a sealed flat envelope found in the house because it isn't possible to hide alcoholic beverages in a flat envelope.*

## Obtaining a Search Warrant

Only an Alaska state trooper, a village public safety officer, city police officer, or other state recognized law enforcement officer can get a search warrant. Only a judge or magistrate can issue a search warrant.

A law enforcement officer must request a search warrant from a judge or magistrate. The law officer must swear the facts are true as he/she knows them and are based on reliable information. A search cannot be made until the warrant has been granted.

## Probable Cause

A judge or magistrate will only issue a search warrant when convinced there is probable cause to believe the law enforcement officers will find what they are looking for in the place to be searched. Probable cause means a very good reason exists. There must be strong facts or circumstances to back up the law enforcement officer's belief. Without probable cause, the judge or magistrate will not issue the search warrant.

**Example:** *A village public safety officer knows that a specific person is flying into the village. The last several times that person has come in, he brought liquor with him. An honest and reliable person has told the VPSO that she saw the liquor and knows for a fact the person intends to bring it to the village. This would be "probable cause" for a search warrant.*

**Example:** *A village public safety officer hears a rumor that a plane is coming to the village and there will be alcoholic beverages on board. This would not be "probable cause" for a search warrant.*

## Warrantless Searches

There are situations when a law enforcement officer doesn't need a search warrant to look for alcoholic beverages.

### Consent

Consent occurs when a law enforcement officer asks a person if the officer can look for alcoholic beverages and the person gives permission. The officer must tell the person what will be searched and the person must understand and give permission for the search.

**Example:** *A village public safety officer believes someone has liquor at home, in a community that banned possession. The VPSO knocks on the person's door, identifies himself as the village public safety officer, and tells the person that he wants to search for liquor. If the person says it's all right to come in and search, the officer doesn't need a search warrant.*

Not everyone can give consent to search a home. For example, a child cannot give permission or consent to search a home. However, the spouse of the person living in the house could give permission to search the house. The adult consenting to the search must have as much right to go in the place being searched as the person suspected.

**Example:** *A village public safety officer believes William Baker brought liquor into the village and stored it in his home. Baker's wife answers the door and the officer asks if he can search for liquor. She gives permission. The officer may enter and search without a warrant. Mrs. Baker has as much right to be in the home being searched as her husband and can give permission for the search.*

**Example:** *When the village public safety officer goes to the Baker home, a visiting neighbor answers the door. The officer cannot search the Baker home without a warrant even if the guest gives permission.*

**Example:** *When the village public safety officer goes to the Baker home, the Bakers' fifteen-year-old son answers the door. The officer can't search the Baker home without a warrant even if the son gives permission.*

Anyone has the right to refuse consent to a warrantless search. No one must consent simply because a trooper or village public safety officer asks to conduct a search. A person has the right, at any time, to ask the law enforcement officer to stop a warrantless search.

## ***Search Incidental to a Valid Arrest (No Consent Needed)***

If a law enforcement officer arrests someone for breaking the law, the officer may search the person for weapons or evidence which could be easily destroyed. The officer may also search anywhere the person might reach quickly to get a weapon or destroy evidence.

***Example:*** A trooper arrests someone for shooting a gun in the middle of a village. If the trooper makes the arrest outside, he may search the person (without consent) for weapons or easily destroyed evidence, such as a bottle of liquor. If the trooper makes the arrest in the person's home, he may also search (without consent) anywhere the person could easily reach. This usually means the entire room in which the person is arrested.

## ***Plain View***

If alcohol is in plain view, law enforcement officers can take it without a search warrant. However, the officers must have a right to be where they are when the alcohol is seen.

***Example:*** A village public safety officer has a warrant that says the boxes stored in someone's house can be searched for alcoholic beverages. When the officer goes inside the house, he sees a bottle of liquor on the table. The bottle can be seized even though it wasn't listed in the warrant. Because a warrant was obtained, the VPSO has a right to be in the house and can seize any liquor in plain view.

***Example:*** A village public safety officer sees some boxes on a snow machine. The VPSO thinks the boxes have bottles of liquor in them. These boxes are closed. The boxes can't be searched unless the VPSO has a search warrant.

The “plain view” exception to the search warrant requirement is valid only when a law enforcement officer sees the alcohol with his or her own eyes. If someone other than a law enforcement officer sees the alcohol, they should tell an officer so the officer can see the liquor, or get a search warrant.

For any additional questions, consult the village public safety officer, village police officer, or the nearest state trooper. Please visit the State Trooper’s website to verify the latest contact information.

## Alaska State Trooper Contact Information

Post Location	Phone Number	Fax Number
Anchorage	269-5511	337-2059
Anchor Point	235-8239	235-8067
Aniak	675-4398	675-4498
Bethel	543-2294	543-5102
Cantwell	768-2202	768-2203
Cold Bay	532-2440	532-2724
Coldfoot	678-5211	678-3668
Cooper Landing	595-1233	585-5911
Cordova	424-3184	424-5454
Delta Junction	895-4800	895-4026
Dillingham	842-5641	842-5795
Dutch Harbor	581-1432	581-1407
Emmonak	1-866-949-1303	949-1300
Fairbanks	451-5100	451-3002
Galena	656-1233	656-1530
Girdwood	783-0972	783-2026
Glennallen	822-3263	822-5594
Haines	766-2552	766-3265
Healy	683-2232	683-2231
Hoonah	945-3620	945-3570
Iliamna	571-1871	571-1807
Juneau	465-4000	465-3333
Ketchikan	225-5118	225-8679
King Salmon	246-3307	246-6259
Kodiak	486-4121	486-5810
Kotzebue	442-3222	442-3221
Mat-Su West	373-8300	373-8351
McGrath	524-3052	524-3053
Nenana	832-5554	832-5425

Post Location	Phone Number	Fax Number
Ninilchik	567-3660	567-3660
Nome	443-2835	443-5840
Northway	778-2245	778-2269
Palmer	745-2131	269-5465
Petersburg	772-3983	772-3906
Prince of Wales Island	826-2918	826-2919
Selawik	484-1926	484-1928
Seward	224-3349	224-2446
Sitka	747-3254	747-7912
Soldotna	262-4453	262-2889
St. Mary's	438-2019	438-2018
Tok	883-5111	883-4249
Unalakleet	624-3073	624-3075
Valdez	835-4307	835-5607
Wrangell	874-3215	874-3241
Yakutat	784-3206	784-3523

# **Appendix A: Statute and Regulation**

- **Alaska Statute:**
  - **Title 4. Alcoholic Beverages.**
  
- **Alaska Administrative Code:**
  - **6 AAC 27.170. Liquor Option Elections.**

## Title 4: Local Option Law

Below are excerpts from Title 4 of the Alaska Statutes on local option laws (Sec. 04.11.490 to 04.11.509).

***The repealed sections are included for a historical reference to local option law.***

*Sec. 04.11.490. Prohibition of the sale of alcoholic beverages. [Repealed, Sec. 69 ch 101 SLA 1995.] Repealed or Renumbered*

### **Sec. 04.11.491. Local options.**

(a) If a majority of the persons voting on the question vote to approve the option, a municipality shall adopt a local option to prohibit

- (1) the sale of alcoholic beverages;
- (2) the sale of alcoholic beverages except by one or more of the following listed on the ballot:
  - (A) a restaurant or eating place licensee;
  - (B) a beverage dispensary licensee;
  - (C) a package store licensee;
  - (D) a caterer holding a permit under AS 04.11.230 to sell alcoholic beverages at a site within the municipality who is also licensed under a beverage dispensary license for premises outside of the municipality;
  - (E) a winery licensee;
  - (F) a winery licensee, except that sales may occur only to a person licensed under this title or in another state or country; or
  - (G) an outdoor recreation lodge licensee;
- (3) the sale of alcoholic beverages except on premises operated by the municipality and under a type of licensed premises listed on the ballot, that may include one or more of the following:
  - (A) a restaurant or eating place license;
  - (B) a beverage dispensary license; or
  - (C) a package store license;
- (4) the sale and importation of alcoholic beverages; or
- (5) the sale, importation, and possession of alcoholic beverages.

(b) If a majority of the persons voting on the question vote to approve the option, an established village shall exercise a local option to prohibit

- (1) the sale of alcoholic beverages;
- (2) the sale of alcoholic beverages except by one or more of the following listed on the ballot:
  - (A) a restaurant or eating place licensee;
  - (B) a beverage dispensary licensee;
  - (C) a package store licensee;
  - (D) a caterer holding a permit under AS 04.11.230 to sell alcoholic beverages at a site within the established village who is also licensed under a beverage dispensary license for premises outside of the established village;
  - (E) a winery licensee;
  - (F) a winery licensee, except that sales may occur only to a person licensed under this title or in another state or country;
  - (G) an outdoor recreation lodge licensee;
- (3) the sale and importation of alcoholic beverages; or

(4) the sale, importation, and possession of alcoholic beverages.

(c) A ballot question to adopt a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) adopt a local option to prohibit (local option under (a) or (b) of this section)? (yes or no)."

(d) The ballot for an election on the option set out in (a)(2)(A), (a)(3)(A), or (b)(2)(A) of this section must include a summary explanation of the authority to sell alcoholic beverages given to a restaurant or eating place under AS 04.11.100 (a). The ballot for an election on the option set out in (a)(2)(B) or (D), (a)(3)(B), or (b)(2)(B) or (D) of this section must include a statement that a beverage dispensary license is commonly known as a "bar" and a summary explanation of the authority to sell alcoholic beverages given to a beverage dispensary licensee under AS 04.11.090 (a). The ballot for an election on the option set out in (a)(2)(C), (a)(3)(C), or (b)(2)(C) of this section must include a statement that a package store license is commonly known as a "liquor store" and a summary explanation of the authority to sell alcoholic beverages given to a package store licensee under AS 04.11.150 (a).

(e) If a municipality dissolves under AS 29.06.450 (a) or (b), a local option adopted by the municipality under (a) of this section shall continue in effect as the corresponding local option under (b) of this section for an established village having the same perimeter as the previous boundaries of the municipality. A license for premises operated by the municipality under AS 04.11.505 expires when the municipality dissolves.

(f) A municipality or established village that has adopted a local option under (a)(1), (2), or (3) or (b)(1) or (2) of this section may designate a site for the delivery of alcoholic beverages to individuals in the area or a site for a person to bring alcoholic beverages if the alcoholic beverages are imported into the area. This subsection does not apply to the delivery or importation of

(1) one liter or less of distilled spirits, two liters or less of wine, or one gallon or less of malt beverages; or

(2) alcoholic beverages to a premises licensed under (a)(2) - (3) or (b)(2) of this section.

(g) If a municipality or established village has adopted a local option under (a)(1), (2), (3), or (4), or (b)(1), (2), or (3) of this section, the municipality or established village, as part of the local option question or questions placed before the voters, may

(1) adopt an amount of alcoholic beverages that may be imported that is less than the amounts set out in AS 04.11.150 (g);

(2) adopt an amount of alcoholic beverages that would give rise to a presumption that the person possessed the alcoholic beverages for sale; the amounts adopted under this paragraph may be lower than those set out in AS 04.11.010 (c);

(3) opt to not apply a class C felony to violations of AS 04.16.051 that apply solely by reason of the municipality or established village adopting a local option under this section.

*Sec. 04.11.492. Community liquor license; complete prohibition on sales. [Repealed, Sec. 69 ch 101 SLA 1995] Repealed or Renumbered*

**Sec. 04.11.493. Change of local option.**

(a) If a majority of persons voting on the question vote to approve a different local option,

a municipality or established village shall change a local option previously adopted under AS 04.11.491 to the different approved option.

(b) A ballot question to change a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) change the local option currently in effect, that prohibits (current local option under AS 04.11.491 ), and adopt in its place a local option to prohibit (proposed local option under AS 04.11.491)? (yes or no)."

*Sec. 04.11.494. Operation of delivery sites. [Repealed, Sec. 15 ch 63 SLA 2011 as amended by Sec. 1 ch 28 SLA 2004] Repealed or Renumbered*

**Sec. 04.11.495. Removal of local option.**

(a) If a majority of the persons voting on the question vote to remove the option, a municipality or established village shall remove a local option previously adopted under AS 04.11.491 . The option is repealed effective the first day of the month following certification of the results of the election.

(b) A ballot question to remove a local option under this section must at least contain language substantially similar to: "Shall (name of municipality or village) remove the local option currently in effect that prohibits (current local option under AS 04.11.491 ), so that there is no longer any local option in effect? (yes or no)."

(c) When issuing a license in the area that has removed a local option, the board shall give priority to an applicant who was formerly licensed and whose license was not renewed because of the results of the previous local option election. However, an applicant described in this subsection does not have a legal right to a license and the board is not required to approve the application.

*Sec. 04.11.496. Prohibition of sale and importation of alcoholic beverages. [Repealed, Sec. 69 ch 101 SLA 1995] Repealed or Renumbered*

**Sec. 04.11.497. Effect on licenses of prohibition of sale.**

If a majority of voters vote to prohibit the sale of alcoholic beverages under AS [04.11.491](#) (a)(1), (a)(4) or (5), (b)(1), or (b)(3) or (4), the board may not issue, renew, or transfer, between persons or locations, a license for premises located within the boundaries of the municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village. A license that may not be renewed because of a local option election held under this section is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this section, by payment of a prorated portion of the biennial license fee.

*Sec. 04.11.498. Prohibition of possession of alcoholic beverages. [Repealed, Sec. 69 ch 101 SLA 1995] Repealed or Renumbered*

**Sec. 04.11.499. Prohibition of importation or purchase after election.**

(a) If a majority of the voters vote to prohibit the importation of alcoholic beverages under AS 04.11.491 (a)(4) or (5) or (b)(3) or (4), a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring an alcoholic beverage into the municipality or established village, unless the alcoholic beverage is sacramental wine to be used for bona fide religious purposes based

on tenets or teachings of a church or religious body, is limited in quantity to the amount necessary for religious purposes, and is dispensed only for religious purposes by a person authorized by the church or religious body to dispense the sacramental wine.

(b) A person who resides in a municipality or established village that has adopted a local option under AS 04.11.491 (a) or (b) may not purchase alcohol from another person who has sent, transported, or brought an alcoholic beverage into the municipality or established village in violation of the local option.

(c) In this section,

- (1) "bring" means to carry or convey or to attempt or solicit to carry or convey;
- (2) "send" means to cause to be taken or distributed or to attempt or solicit to cause to be taken or distributed, and includes use of the United States Postal Service;
- (3) "transport" means to ship by any method, and includes delivering or transferring or attempting or soliciting to deliver or transfer an alcoholic beverage to be shipped to, delivered to, or left or held for pick up by any person.

*Sec. 04.11.500. Prohibition of the sale of alcoholic beverages except by selected licenses. [Repealed, Sec. 69 ch 101 SLA 1995] Repealed or Renumbered*

**Sec. 04.11.501. Prohibition of possession after election.**

(a) If a majority of the voters vote to prohibit the possession of alcoholic beverages under AS 04.11.491 (a)(5) or (b)(4), a person may not knowingly possess an alcoholic beverage in the municipality or established village, unless the alcoholic beverage is sacramental wine to be used for bona fide religious purposes based on tenets or teachings of a church or religious body, is limited in quantity to the amount necessary for religious purposes, and is dispensed only for religious purposes, by a person recognized by the church or religious body as authorized to dispense the wine.

(b) If there are licensed premises within the municipality or established village, the prohibition on possession is effective beginning 90 days after the results of the election are certified. If there are no licensed premises within the municipality or established village, the prohibition on possession is effective beginning 60 days after the results of the election are certified.

(c) Upon the adoption by a municipality of a local option under AS 04.11.491(a)(5), an ordinance is adopted containing the provisions of this section.

(d) In this section, "possession" means having physical possession of or exercising dominion or control over an alcoholic beverage, but does not include having an alcoholic beverage within the digestive system of a person.

*Sec. 04.11.502. Procedure for local option elections. [Repealed, Sec. 69 ch 101 SLA 1995] Repealed or Renumbered*

**Sec. 04.11.503. Effect on licenses of restriction on sale.**

If a majority of the voters vote under AS 04.11.491(a)(2) or (b)(2) to prohibit sale of alcoholic beverages except by the type or types of licensees or permit holders listed on the ballot, the board may not issue, renew, or transfer between persons or locations a license for premises located within the boundaries of the municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the

perimeter of the established village, except the type or types of licenses listed on the ballot. A license in effect within the boundaries of the municipality or perimeter of the established village, and in unincorporated areas within five miles of the boundaries of the municipality, except the type of license listed on the ballot, is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this section, by payment of a prorated portion of the biennial license fee.

*Sec. 04.11.504. Reinstatement of licenses. [Repealed, Sec. 69 ch 101 SLA 1995] Repealed or Renumbered*

**Sec. 04.11.505. Licensing after prohibition on sale except in premises operated by municipality.**

(a) If a majority of the voters vote under AS 04.11.491 (a)(3) to prohibit the sale of alcoholic beverages except on premises operated by the municipality, the board may not issue, renew, or transfer between persons or locations a license for premises located within the boundaries of a municipality and in unincorporated areas within five miles of the boundaries of the municipality, with the exception of the type of license listed on the ballot and operated under a license held by the municipality. A license in effect is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the biennial license fee.

(b) The local governing body of a municipality shall apply for a license to operate the type of licensed premises listed on the ballot under AS 04.11.491 (a)(3) and approved by a majority of the voters. The municipality shall operate the premises subject to the conditions and fees applicable to the type of license. Nothing in this section precludes a municipality from applying to be a licensee under other provisions of this title.

*Sec. 04.11.506. Notice of the results of a local option election. [Repealed, Sec. 69 ch 101 SLA 1995] Repealed or Renumbered*

**Sec. 04.11.507. Procedure for local option elections.**

(a) Elections to adopt a local option under AS 04.11.491 , change a local option under AS 04.11.493 , or remove a local option under AS 04.11.495, shall be conducted as required in this section.

(b) Upon receipt of a petition of a number of registered voters equal to 35 percent or more of the number of votes cast at the last regular municipal election, the local governing body of a municipality shall place upon a separate ballot at the next regular election, or at a special election, whichever local option, change in local option, or removal of local option constitutes the subject of the petition. The local governing body shall conduct the election under the election ordinance of the municipality.

(c) Upon receipt of a petition of 35 percent or more of the registered voters residing within an established village, the lieutenant governor shall place upon a separate ballot at a special election the local option, change in local option, or removal of local option that constitutes the subject of the petition. The lieutenant governor shall conduct the election under AS 15.

(d) A petition filed with the local governing body of a municipality under (b) of this section, that places on the ballot the option set out in AS 04.11.491 (a)(5), constitutes a proposed ordinance of the municipality.

(e) AS 29.26.110 - 29.26.160 apply to a petition under (b) of this section in a general law municipality except the

- (1) number of required signatures is determined under (b) of this section rather than under AS 29.26.130 ;
- (2) application filed under AS 29.26.110 must at least contain language substantially similar to the questions set out under AS 04.11.491 - 04.11.495 rather than containing an ordinance or resolution;
- (3) petition must at least contain language substantially similar to the questions set out under AS 04.11.491 - 04.11.495 rather than material required under AS 29.26.120 (a)(1) and (2).

(f) Notwithstanding any other provisions of law, an election under (b) or (c) of this section to remove a local option or to change to a less restrictive option than the local option previously adopted under AS 04.11.491 may not be conducted during the first 24 months after the local option was adopted or more than once in a 36-month period.

(g) Notwithstanding AS 29.26.140 (a), after a petition has been certified as sufficient to meet the requirements of (b) or (c) of this section, another petition may not be filed or certified until after the question presented in the first petition has been voted on. Only one local option question may be presented in an election.

**Sec. 04.11.508. Establishment of perimeter of established village.**

(a) Except as provided under (b) and (c) of this section, for purposes of AS 04.11.491 , 04.11.497, and 04.11.503, the perimeter of an established village is a circle around the established village that includes an area within a five-mile radius of the post office of the established village. If the established village does not have a post office, the perimeter of an established village is a circle around the established village that includes an area within a five-mile radius of another site selected by the local governing body or by the board if the established village does not have a local governing body.

(b) If the perimeter of an established village determined under (a) of this section includes any area that is

- (1) within a municipality
  - (A) that has adopted a local option, the local option adopted by the municipality applies in the overlapping area;
  - (B) the local option adopted by the established village does not apply in the overlapping area;
- (2) within the perimeter of another established village and, if the other established village has
  - (A) also adopted a local option under AS 04.11.491 , the local option of the established village that is less restrictive applies in the overlapping area;
  - (B) not adopted a local option under AS 04.11.491 , the local option does not apply in the overlapping area.

(c) If the board determines that the perimeter of an established village as provided under (a) and (b) of this section does not accurately reflect the perimeter of the established village, the board may establish the perimeter of the established village and the areas of

overlapping perimeter described under (b) of this section for purposes of applying a local option selected under this chapter.

**Sec. 04.11.509. Notice of the results of a local option election.**

(a) If a majority of the voters vote to prohibit, change, or remove a local option under AS 04.11.491 - 04.11.495, the clerk of the municipality, or, if the election is in an established village, the lieutenant governor shall notify the board of the results of the election immediately after the results are certified. The board shall immediately notify the Department of Law and the Department of Public Safety of the results of the election.

(b) If a majority of the voters vote to prohibit the importation or possession of alcoholic beverages under AS 04.11.491 (a)(4) or (5) or (b)(3) or (4), the following actions in addition to those prescribed in (a) of this section shall be taken before the date the prohibition becomes effective:

- (1) the board shall notify, by certified mail, all package store licensees who sell alcoholic beverages in response to a written solicitation of the local option; and
- (2) the municipality or established village shall post public notice of the prohibition in a central location in the municipality or village.

**The publication refers to other chapters and sections of Title 4. Please see the following references for more information:**

- AS 04.11.010. License or permit required; presumption concerning possession for sale.
- AS 04.11.150. Package store license; permit for delivery to social events.
- AS 04.11.220. Pub license.
- AS 04.11.260. Application for new license or permit.
- AS 04.11.310. Notice of application.
- AS 04.11.320. Denial of new licenses and permits.
- AS 04.11.460. Prior public approval.
- AS 04.11.470. Objection.
- AS 04.11.510. Procedure for action on license applications, suspensions, and revocations.
- AS 04.16.200. Penalties for violations of AS 04.11.010 and 04.11.499.
- AS 04.16.205. Penalties for violations of AS 04.11.501 and related ordinances.
- AS 04.16.220. Forfeitures and seizures.
- AS 04.21.080. Definitions.

Here is a link to the Alaska Statutes:  
<http://www.touchngo.com/lqcntr/akstats/statutes.htm>

## Alaska Administrative Code (AAC)

### 6 AAC 27.170. Liquor Option Elections.

(a) A circulated petition authorized under AS 04.11.507(c) must be signed by the required number of eligible voters within 90 days before the petition is filed with the director of elections in person, or postmarked for mailing to the director. A petition that does not meet this requirement will be rejected by the director.

(b) The director will review the petition to determine whether it complies with the requirements of AS 04.11.491–04.11.495 and 04.11.507, and will verify the submitted signatures within 30 days after receipt of the petition. If the director determines that the petition is not in compliance, or that the petition contains an insufficient number of signatures of eligible registered voters, the director will reject the petition and return it to the sponsor. The sponsor will be notified in writing that the petition was rejected and of the reason for the rejection. A rejected petition may not be resubmitted.

(c) For the purpose of conducting a local liquor option election in an established village, the jurisdiction of the election is that area generally considered to constitute the village, and includes the entire contiguous growth and development area of the village. A qualified voter who is registered to vote, and who has identified the village as his or her place of residence on a current voter registration record, is eligible to sign a local option petition and is eligible to vote in the election. (Eff. 7/17/88, Register 107; am 8/23/2001, Register 159)

**Authority:**

AS 04.11.507

AS 15.15.010

# **Appendix B: Sample Forms and Ordinances for a Municipality**

- **Application for Petition**
- **Petition Cover Page**
- **Petition Signatures & Additional Pages**
- **Petition Certification**
- **Ballot**
- **Ordinance**

*Forms in Appendix B are intended for use by a municipality (borough or city). The term “city” is used throughout these forms for brevity.*



**Petition Cover Page**

We, the undersigned registered voters of \_\_\_\_\_, wish to circulate this petition as authorized under Alaska Statute, with the following question for consideration:

***Shall (name of city) adopt a local option to prohibit the sale of alcoholic beverages? (Yes or No)***

I, \_\_\_\_\_, city clerk of the \_\_\_\_\_, Alaska, certify that the date of filing this application for petition is the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_. All signatures on this petition must be secured within 90 days of the above date.

\_\_\_\_\_

\_\_\_\_\_

City Clerk Date

{Municipal Seal}

**All signatures on this petition must be secured within 90 days of the above date.**



**Petition Certification**

I, \_\_\_\_\_, city clerk of the  
\_\_\_\_\_, Alaska, certify to the best of my knowledge this  
petition was completed in accordance with the provision of state and local law.

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Date

{Municipal Seal}

**City Local Option 1: Prohibits Sale**

---

**Ballot**

**Name of City**

**Date of Election**

Plan an "X" in the square at the right of the "YES" or "NO" under the question on this ballot. Use only "X" marks.

The "X" mark must be inside or touching the square so that it shows the intent of the voter. Erasures and corrections invalidate only that part of the ballot on which they appear.

Mark only one square. A "YES" vote means you are in favor of prohibiting the sale of alcoholic beverages as stated on the ballot. A "NO" vote means you do not want the sale of alcoholic beverages to be prohibited.

If you spoil your ballot, give it back to one of the Election Judges and get another ballot.

---

**QUESTION:**

***Shall (name of city) adopt a local option to prohibit the sale of alcoholic beverages?***

**YES**

**NO**

---

Prepared by:

\_\_\_\_\_  
City Clerk

## City Local Option 1: Prohibits Sale

---

*The city **MUST** notify the Alcoholic Beverage Control Board if this local option is passed. However, this sample ordinance is not required.*

---

### AN ORDINANCE PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES

I. BE IT ENACTED BY THE COUNCIL OF THE CITY OF (NAME OF CITY) THAT Title (number) of the City of (name of city) Municipal Code is hereby amended to add the following chapter.

#### CHAPTER (NUMBER) PROHIBITING SALE OF ALCOHOLIC BEVERAGES

##### Sections:

1. Classification
2. Prohibitions
3. Violations
4. Penalty
5. Definitions

##### Section 1. Classification

This is a permanent ordinance of the City of (name of city) to be numbered and included in the Municipal Code.

##### Section 2. Prohibitions

As a result of the alcohol local option election authorized by Alaska Statute Title 4 and held on (date) at which (number) voters voted "yes" and (number) voted "no" to prohibit the sale of alcoholic beverages. The sale of alcoholic beverages is prohibited in and within five miles of the limits of the city.

##### Section 3. Violations

- A. A person found violating Section 2 of this ordinance shall be issued a citation by a peace officer.
- B. The citation shall bear witness to and identify the specific violation as found in Section 2. Each violation is a separate offense.

##### Section 4. Penalty

An unlicensed person selling hard liquor or wine or beer commits a Class C felony, and can be sentenced up to five years in jail and/or fined up to \$50,000.00.

Sale of alcoholic beverages in any amount to a minor is a Class C felony.

Section 5. Definitions

The following definitions apply to this chapter:

“Alcoholic beverages” means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage (or any beverage containing alcohol that the person possessing intends to consume, whether meant for human consumption or not) and that contain alcohol, whether produced commercially or privately.

“Sale” means alcoholic beverages sold, offered for sale or possessed for sale, bartered, or exchanged for goods and services in the city. Sale does not mean alcoholic beverages purchased by one person for another or a group when there is no profit involved, but merely a reimbursement of cost, as long as all persons involved are 21 years of age or older.

II. This act is effective on (date). The results of the election held (date), to adopt an option to prohibit the sale of alcoholic beverages were certified on (date).

Date Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Petition Cover Page**

We, the undersigned registered voters of \_\_\_\_\_, wish to circulate this petition as authorized under Alaska Statute, with the following question for consideration:

***Shall (name of city) adopt a local option to prohibit the sale of alcoholic beverages except by (List the types of licenses which would be exempted from the prohibition of the sale of alcoholic beverages if the measure passes)?  
(Yes or No)***

I, \_\_\_\_\_, city clerk of the \_\_\_\_\_,  
Alaska certify that the date of the first circulation of this petition is the \_\_\_\_\_ day of  
\_\_\_\_\_, 2 \_\_\_\_\_. All signatures on this petition must be secured within 90  
days of the above date.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

{Municipal Seal}

**All signatures on this petition must be secured within 90 days of the above date.**



**City Local Option 2: Prohibits Sale, Except by Selected Licenses**

---

**Petition Certification**

I, \_\_\_\_\_, city clerk of the  
\_\_\_\_\_, Alaska, certify to the best of my knowledge this  
petition was completed in accordance with the provision of state and local law.

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Date

{Municipal Seal}

**City Local Option 2: Prohibits Sale, Except by Selected Licenses**

---

**Ballot**

**Name of City**

**Date of Election**

Plan an "X" in the square at the right of the "YES" or "NO" under the question on this ballot. Use only "X" marks.

The "X" mark must be inside or touching the square so that it shows the intent of the voter. Erasures and corrections invalidate only that part of the ballot on which they appear.

Mark only one square. A "YES" vote means you are in favor of prohibiting the sale of alcoholic beverages as stated on the ballot. A "NO" vote means you do not want the sale of alcoholic beverages to be prohibited.

If you spoil your ballot, give it back to one of the Election Judges and get another ballot.

---

**QUESTION:**

***Shall (name of city or village) adopt a local option to prohibit the sale of alcoholic beverages except by (List the types of licenses which would be exempted from the prohibition of the sale of alcoholic beverages if the measure passes.)?***

**YES**

**NO**

---

Prepared by:

\_\_\_\_\_  
City Clerk

**City Local Option 2: Prohibits Sale, Except by Selected Licenses**

---

*The city **MUST** notify the Alcoholic Beverage Control Board if this local option is passed. However, this sample ordinance is not required.*

---

**AN ORDINANCE PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES EXCEPT BY SELECTED LICENSES**

I. BE IT ENACTED BY THE COUNCIL OF THE CITY OF (NAME OF CITY) THAT Title (number) of the City of (name of city) Municipal Code is hereby amended to add the following chapter.

CHAPTER (NUMBER)

PROHIBITING SALE OF ALCOHOLIC BEVERAGES EXCEPT BY SELECTED LICENSES

Sections:

1. Classification
2. Prohibitions
3. Violations
4. Penalty
5. Definitions

Section 1. Classification

This is a permanent ordinance of the City of (name of city) to be numbered and included in the Municipal Code.

Section 2. Prohibitions

As a result of the alcohol local option election authorized by Alaska Statute Title 4 and held on (date) at which (number) voters voted "yes" and (number) voted "no" to prohibit the sale of alcoholic beverages except by selected licenses. The sale of alcoholic beverages is prohibited in and within five miles of the limits of the city except by the following selected license(s) as approved by the voters:

---

---

---

Section 3. Violations

- A. A person found violating Section 2 of this ordinance shall be issued a citation by a peace officer.
- B. The citation shall bear witness to and identify the specific violation as found in Section 2. Each violation is a separate offense.

Section 4. Penalty

An unlicensed person selling hard liquor or wine or beer commits a Class C felony, and can be sentenced up to five years in jail and/or fined up to \$50,000.00.

Sale of alcoholic beverages in any amount to a minor is a Class C felony.

Section 5. Definitions

The following definitions apply to this chapter:

“Alcoholic beverages” means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage (or any beverage containing alcohol that the person possessing intends to consume, whether meant for human consumption or not) and that contain alcohol, whether produced commercially or privately.

“Sale” means alcoholic beverages sold, offered for sale or possessed for sale, bartered, or exchanged for goods and services in the city. Sale does not mean alcoholic beverages purchased by one person for another or a group when there is no profit involved, but merely a reimbursement of cost, as long as all persons involved are 21 years of age or older.

II. This act is effective on the (date). The results of the election held (date), to adopt an option to prohibit the sale of alcoholic beverages were certified on (date).

Date Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Petition Cover Page**

We, the undersigned registered voters of \_\_\_\_\_, wish to circulate this petition as authorized under Alaska Statute, with the following question for consideration:

***Shall (name of city) adopt a local option to prohibit the sale of alcoholic beverages except on premises operated by the municipality and under a license for (list the type of licenses)? (Yes or No)***

I, \_\_\_\_\_, city clerk of the \_\_\_\_\_,  
Alaska certify that the date of the first circulation of this petition is the \_\_\_\_\_ day of  
\_\_\_\_\_, 2 \_\_\_\_\_. All signatures on this petition must be secured within 90  
days of the above date.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

{Municipal Seal}

**All signatures on this petition must be secured within 90 days of the above date.**



**Petition Certification**

I, \_\_\_\_\_, city clerk of the  
\_\_\_\_\_, Alaska, certify to the best of my knowledge this  
petition was completed in accordance with the provision of state and local law.

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Date

{Municipal Seal}

**City Local Option 3: Prohibits Sale, Except on Premises Operated by the Municipality**

---

**Ballot**

**Name of City**

**Date of Election**

Plan an "X" in the square at the right of the "YES" or "NO" under the question on this ballot. Use only "X" marks.

The "X" mark must be inside or touching the square so that it shows the intent of the voter. Erasures and corrections invalidate only that part of the ballot on which they appear.

Mark only one square. A "YES" vote means you are in favor of prohibiting the sale of alcoholic beverages as stated on the ballot. A "NO" vote means you do not want the sale of alcoholic beverages to be prohibited.

If you spoil your ballot, give it back to one of the Election Judges and get another ballot.

---

**QUESTION:**

***Shall (name of city) adopt a local option to prohibit the sale of alcoholic beverages except on premises operated by the municipality and under a license for (list the type of licenses)?***

**YES**

**NO**

---

Prepared by:

\_\_\_\_\_  
City Clerk

**City Local Option 3: Prohibits Sale, Except on Premises Operated by the Municipality**

---

*The city MUST notify the Alcoholic Beverage Control Board if this local option is passed. However, this sample ordinance is not required.*

---

**AN ORDINANCE PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES EXCEPT ON  
PREMISES OPERATED BY THE MUNICIPALITY**

I. BE IT ENACTED BY THE COUNCIL OF THE CITY OF (NAME OF CITY) THAT Title (number) of the City of (name of city) Municipal Code is hereby amended to add the following chapter.

CHAPTER (NUMBER)  
PROHIBITING SALE OF ALCOHOLIC BEVERAGES EXCEPT ON PREMISES OPERATED BY  
THE MUNICIPALITY

Sections:

1. Classification
2. Prohibitions
3. Violations
4. Penalty
5. Definitions

Section 1. Classification

This is a permanent ordinance of the City of (name of city) to be numbered and included in the Municipal Code.

Section 2. Prohibitions

As a result of the alcohol local option election authorized by Alaska Statute Title 4 and held on (date), at which (number) voters voted "yes" and (number) voted "no" to prohibit the sale of alcoholic beverages except on premises operated by the city. The sale of alcoholic beverages is prohibited in and within five miles of the limits of the city except on premises operated by the city.

Section 3. Violations

- A. A person found violating Section 2 of this ordinance shall be issued a citation by a peace officer.
- B. The citation shall bear witness to and identify the specific violation as found in Section 2. Each violation is a separate offense.

Section 4. Penalty

An unlicensed person selling hard liquor or wine or beer commits a Class C felony, and can be sentenced up to five years in jail and/or fined up to \$50,000.00.

Sale of alcoholic beverages in any amount to a minor is a Class C felony.

Section 5. Definitions

The following definitions apply to this chapter:

“Alcoholic beverages” means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage (or any beverage containing alcohol that the person possessing intends to consume, whether meant for human consumption or not) and that contain alcohol, whether produced commercially or privately.

“Sale” means alcoholic beverages sold, offered for sale or possessed for sale, bartered, or exchanged for goods and services in the city. Sale does not mean alcoholic beverages purchased by one person for another or a group when there is no profit involved, but merely a reimbursement of cost, as long as all persons involved are 21 years of age or older.

II. This act is effective on the (date). The results of the election held (date), to adopt an option to prohibit the sale of alcoholic beverages except on premises operated by the municipality was certified on (date).

Date Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**Petition Cover Page**

We, the undersigned registered voters of \_\_\_\_\_, wish to circulate this petition as authorized under Alaska Statute, with the following question for consideration:

***Shall (name of city) adopt a local option to prohibit the sale and importation of alcoholic beverages? (Yes or No)***

I, \_\_\_\_\_, city clerk of the \_\_\_\_\_,  
Alaska certify that the date of the first circulation of this petition is the \_\_\_\_\_ day of  
\_\_\_\_\_, 2 \_\_\_\_\_. All signatures on this petition must be secured within 90  
days of the above date.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

{Municipal Seal}

**All signatures on this petition must be secured within 90 days of the above date.**



**Petition Certification**

I, \_\_\_\_\_, city clerk of the  
\_\_\_\_\_, Alaska, certify to the best of my knowledge this  
petition was completed in accordance with the provision of state and local law.

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Date

{Municipal Seal}

**City Local Option 4: Prohibits Sale and Importation**

---

**Ballot**

**Name of City**

**Date of Election**

Plan an "X" in the square at the right of the "YES" or "NO" under the question on this ballot. Use only "X" marks.

The "X" mark must be inside or touching the square so that it shows the intent of the voter. Erasures and corrections invalidate only that part of the ballot on which they appear.

Mark only one square. A "YES" vote means you are in favor of prohibiting the sale of alcoholic beverages as stated on the ballot. A "NO" vote means you do not want the sale of alcoholic beverages to be prohibited.

If you spoil your ballot, give it back to one of the Election Judges and get another ballot.

---

**QUESTION:**

***Shall (name of city) adopt a local option to prohibit the sale and importation of alcoholic beverages?***

**YES**

**NO**

---

Prepared by:

\_\_\_\_\_  
City Clerk

## City Local Option 4: Prohibits Sale and Importation

---

*If this local option is passed, the city **MUST** notify the Alcoholic Beverage Control Board, and post public notice of the prohibition on sales and importation. The media (radio, TV, and newspapers) and applicable air carriers should also be notified. However, this sample ordinance is not required.*

---

### **AN ORDINANCE PROHIBITING THE SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES**

I. BE IT ENACTED BY THE COUNCIL OF THE CITY OF (NAME OF CITY) THAT Title (number) of the City of (name of city) Municipal Code is hereby amended to add the following chapter.

CHAPTER (NUMBER)

PROHIBITING SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES

Sections:

1. Classification
2. Prohibitions
3. Violations
4. Penalty
5. Forfeitures
6. Definitions

#### Section 1. Classification

This is a permanent ordinance of the City of (name of city) to be numbered and included in the Municipal Code.

#### Section 2. Prohibitions

As a result of the alcohol local option election authorized by Alaska Statute Title 4 and held on (date), at which (number) voters voted "yes" and (number) voted "no" to prohibit the sale and importation of alcoholic beverages. The sale and importation of alcoholic beverages is prohibited in and within five miles of the limits of the city.

#### Section 3. Violations

- A. A person found violating Section 2 of this ordinance shall be issued a citation by a peace officer.
- B. The citation shall bear witness to and identify the specific violation as found in Section 2. Each violation is a separate offense.

#### Section 4. Penalty

A person who sends, transports, or brings into the City less than 10.5 liters of hard liquor, or less than 24 liters of wine, or less than 12 gallons of beer, is, upon conviction, guilty of a Class A misdemeanor, and may be sentenced to a maximum of one year in jail and/or a \$5,000.00 fine. A person who sends, transports, or brings into the City 10.5 liters or more of hard liquor, or 24 liters or more of wine, or 12 gallons for more of beer is, upon conviction, guilty of a Class C felony and can be sentenced up to five years in jail and/or fined up to \$50,000.00.

An unlicensed person selling hard liquor or wine or beer commits a Class C felony.

Sale of alcoholic beverages in any amount to a minor is a Class C felony.

Section 5. Forfeitures

Under Alaska State law, all alcoholic beverages; materials and equipment used in the sale or offering for sale of alcoholic beverages; aircraft, vehicles, or vessels used to transport or facilitate the transportation of alcoholic beverages into the City of (name of city) are submit to forfeiture.

Section 6. Definitions

The following definitions apply to this chapter:

“Alcoholic beverages” means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage (or any beverage containing alcohol that the person possessing intends to consume, whether meant for human consumption or not) and that contain alcohol, whether produced commercially or privately.

“Importation” means bringing, sending, or having delivered by whatever means alcoholic beverages from place to another place which has forbidden the sale and importation of alcoholic beverages (or any beverage containing alcohol that the person consumes or intends to consume, whether meant for human consumption or not).

“Sale” means alcoholic beverages sold, offered for sale or possessed for sale, bartered, or exchanged for goods and services in the city. Sale does not mean alcoholic beverages purchased by one person for another or a group when there is no profit involved, but merely a reimbursement of cost, as long as all persons involved are 21 years of age or older.

II. This act is effective on the (date). The results of the election held (date), to adopt an option to prohibit the sale and importation of alcoholic beverages were certified on (date).

Date Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**City Local Option 5: Prohibits Sale, Importation, and Possession**

**Application for Petition**

We, the undersigned voters of \_\_\_\_\_, wish to circulate a petition as authorized under Alaska Statute, with the following question for consideration:

***Shall (name of city) adopt a local option to prohibit the sale, importation, and possession of alcoholic beverages? (Yes or No)***

The sponsors of the application are:

Signature	Printed Name	Mailing Address	Resident Address (if different)
-----------	--------------	-----------------	------------------------------------



I, \_\_\_\_\_, city clerk of the \_\_\_\_\_,

Alaska certify that the date of the first circulation of this petition is the \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_. All signatures on this petition must be secured within 90 days of the above date.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

{Municipal Seal}

**All signatures on this petition must be secured within 90 days of the above date.**



**Petition Certification**

I, \_\_\_\_\_, city clerk of the  
\_\_\_\_\_, Alaska, certify to the best of my knowledge this  
petition was completed in accordance with the provision of state and local law.

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Date

{Municipal Seal}

**City Local Option 5: Prohibits Sale, Importation, and Possession**

---

**Ballot**

**Name of City**

**Date of Election**

Plan an "X" in the square at the right of the "YES" or "NO" under the question on this ballot. Use only "X" marks.

The "X" mark must be inside or touching the square so that it shows the intent of the voter. Erasures and corrections invalidate only that part of the ballot on which they appear.

Mark only one square. A "YES" vote means you are in favor of prohibiting the sale of alcoholic beverages as stated on the ballot. A "NO" vote means you do not want the sale of alcoholic beverages to be prohibited.

If you spoil your ballot, give it back to one of the Election Judges and get another ballot.

---

**QUESTION:**

***Shall (name of city) adopt a local option to prohibit the sale, importation, and possession of alcoholic beverages?***

**YES**

**NO**

---

Prepared by:

\_\_\_\_\_  
City Clerk

## City Local Option 5: Prohibits Sale, Importation, and Possession

---

*If this local option is passed, the city MUST notify the Alcoholic Beverage Control Board, and post public notice of the prohibition on sales and importation. The media (radio, TV, and newspapers) and applicable air carriers should also be notified. If Option 5 passes, the city MUST adopt an implementing ordinance.*

---

### **AN ORDINANCE PROHIBITING THE SALE, IMPORTATION, AND POSSESSION OF ALCOHOLIC BEVERAGES**

I. BE IT ENACTED BY THE COUNCIL OF THE CITY OF (NAME OF CITY) THAT Title (number) of the City of (name of city) Municipal Code is hereby amended to add the following chapter.

CHAPTER (NUMBER)

PROHIBITING SALE, IMPORTATION AND POSSESSION OF ALCOHOLIC BEVERAGES

Sections:

1. Classification
2. Prohibitions
3. Violations
4. Penalty
5. Forfeitures
6. Definitions

#### Section 1. Classification

This is a permanent ordinance of the City of (name of city) to be numbered and included in the Municipal Code.

#### Section 2. Prohibitions

As a result of the alcohol local option election authorized by Alaska Statute Title 4 and held on (date), at which (number) voters voted “yes” and (number) voted “no” to prohibit the sale, importation and possession of alcoholic beverages (except for sacramental wine). The sale, importation and possession of alcoholic beverages are prohibited in and within five miles of the limits of the city.

#### Section 3. Violations

- A. A person found violating Section 2 of this ordinance shall be issued a citation by a peace officer.
- B. The citation shall bear witness to and identify the specific violation as found in Section 2. Each violation is a separate offense.

#### Section 4. Penalty

A person who sends, transports, or brings into the City less than 10.5 liters of hard liquor, or less than 24 liters of wine, or less than 12 gallons of beer, is, upon conviction, guilty of a Class A misdemeanor, and may be sentenced to a maximum of one year in jail and/or a \$5,000.00 fine. A person who sends, transports, or brings into the City 10.5 liters or more of hard liquor, or 24 liters or more of wine, or 12 gallons for more of beer, is, upon conviction, guilty of a Class C felony and can be sentenced up to five years in jail and/or fined up to \$50,000.00.

An unlicensed person selling hard liquor or wine or beer commits a Class C felony.

Sale of alcoholic beverages in any amount to a minor is a Class C felony.

According to Alaska State law, a person found in possession of alcoholic beverages is subject to a fine not to exceed \$1,000.00. The person may pay bail in an amount equal to the fine, waive appearance and forfeit bail within 30 days of the offense. If bail is forfeited, the person cited shall deliver to the clerk of the court a copy of the citation indicating that the person cited shall deliver to the clerk of the court a copy of the citation indicating that the right to an appearance is waived, a plea of not contest is entered, and that the bail has been forfeited. A person who is found guilty of violating the provisions of this ordinance against possession of alcoholic beverages shall be fined \$500.00. For a third and all subsequent violations, a person shall be fined \$1,000.00.

The person may elect to perform community service in lieu of a fine, at the rate of \$5.00 per hour (as established by AS 04.16.205). Upon completion of community service, the person cited shall deliver to the clerk of the court a form indicating completion of the community service, and a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and that the community service has been performed.

#### Section 5. Forfeitures

Under Alaska State law, all alcoholic beverages; materials and equipment used in the sale or offering for sale of alcoholic beverages; aircraft, vehicles, or vessels used to transport or facilitate the transportation of alcoholic beverages into the City of (name of city) are submit to forfeiture.

#### Section 6. Definitions

The following definitions apply to this chapter:

“Alcoholic beverages” means spirituous, vinous, malt or other fermented or distilled liquids, whatever the origin, that are intended for human consumption as a beverage (or any beverage containing alcohol that the person possessing intends to consume, whether meant for human consumption or not) and that contain alcohol, whether produced commercially or privately.

“Importation” means bringing, sending, or having delivered by whatever means alcoholic beverages from place to another place which has forbidden the sale and importation of alcoholic beverages (or any beverage containing alcohol that the person consumes or intends to consume, whether meant for human consumption or not).

“Possession” means having physical possession of or control over alcoholic beverages, but does not include having alcoholic beverages in the digestive system of a person.

“Sale” means alcoholic beverages sold, offered for sale or possessed for sale, bartered, or exchanged for goods and services in the city. Sale does not mean alcoholic beverages purchased by one person for another or a group when there is no profit involved, but merely a reimbursement of cost, as long as all persons involved are 21 years of age or older.

II. This act is effective on the (date). The results of the election held (date), to adopt an option to prohibit the sale, importation and possession of alcoholic beverages were certified on (date).

Date Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# **Appendix C: Sample Forms for an Established Village**

- **Petition & Additional Pages**











# LAWS OF ALASKA

2022

**Source**

HCS CSSB 9(FIN) am H

**Chapter No.**

\_\_\_\_\_

**AN ACT**

Relating to alcoholic beverages; relating to the regulation of manufacturers, wholesalers, and retailers of alcoholic beverages; relating to licenses, endorsements, and permits involving alcoholic beverages; relating to common carrier approval to transport or deliver alcoholic beverages; relating to the Alcoholic Beverage Control Board; relating to offenses involving alcoholic beverages; amending Rule 17(h), Alaska Rules of Minor Offense Procedure; and providing for an effective date.

\_\_\_\_\_

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to alcoholic beverages; relating to the regulation of manufacturers, wholesalers, and  
2 retailers of alcoholic beverages; relating to licenses, endorsements, and permits involving  
3 alcoholic beverages; relating to common carrier approval to transport or deliver alcoholic  
4 beverages; relating to the Alcoholic Beverage Control Board; relating to offenses involving  
5 alcoholic beverages; amending Rule 17(h), Alaska Rules of Minor Offense Procedure; and  
6 providing for an effective date.

7

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8 \* **Section 1.** AS 04.06 is amended by adding a new section to read:

9           **Sec. 04.06.005. Declaration of policy; purpose; finding.** It is the policy of  
10 the state that controlling the manufacture, distribution, barter, possession, and sale of  
11 alcoholic beverages in the state is necessary to promote the health and safety of the  
12 people of the state. It is the purpose of this title to carry out the state's policy in the  
13 public interest. The legislature finds that observance of this title, regulations adopted

1 by the board, and other applicable laws, local ordinances, and regulations is in the  
2 interest of the public, people holding licenses or permits under this title, and the  
3 alcoholic beverage industry in general.

4 \* **Sec. 2.** AS 04.06.020(b) is amended to read:

5 (b) Except as provided in (c) of this section, at the time of appointment or  
6 reappointment, one member of the board shall be **from** [ACTIVELY ENGAGED IN]  
7 the public safety sector, one member of the board shall represent the general public,  
8 one member of the board shall have resided in a rural area within the previous five  
9 years, and two members of the board shall be actively engaged in the alcoholic  
10 beverage industry.

11 \* **Sec. 3.** AS 04.06.020(c) is amended to read:

12 (c) A member of the board may not hold a wholesale alcoholic beverage  
13 license or be an officer, agent, or employee of a wholesale alcoholic beverage  
14 enterprise. Not more than two members of the board may be engaged in the same  
15 business, occupation, or profession. A board member **from** [ACTIVELY ENGAGED  
16 IN] the public safety sector, from a rural area, or representing the general public may  
17 not have, or have an immediate family member who has, a financial interest in a  
18 business for which a license is issued. A board member representing the general public  
19 may not be affiliated with the public safety sector or the public health sector.

20 \* **Sec. 4.** AS 04.06.020(d)(3) is amended to read:

21 (3) "public safety sector" means a **current or former** peace officer, a  
22 **current or former** municipal or state prosecutor, a former judicial officer, or a  
23 **current member of a** profession that primarily has the authority to provide for the  
24 welfare and protection of the general public through the enforcement of municipal,  
25 state, or federal laws;

26 \* **Sec. 5.** AS 04.06.075 is amended by adding a new subsection to read:

27 (c) The director shall prepare and submit to the board an annual budget for the  
28 board that includes funding for administration, enforcement, education, training, and  
29 prevention activities under this title.

30 \* **Sec. 6.** AS 04.06.080 is amended to read:

31 **Sec. 04.06.080. Delegation of authority.** The director shall issue, renew,

1 transfer, suspend, or revoke all licenses, endorsements, and permits at the direction of  
2 the board. However, notwithstanding AS 04.06.090(b) [AS 04.11.070], the board may  
3 delegate authority to the director to temporarily grant or deny the issuance, renewal, or  
4 transfer of licenses, endorsements, and permits. The director's temporary grant or  
5 denial of the issuance, renewal, or transfer of a license, endorsement, or permit is not  
6 binding on the board. The board may delegate to the director any other duty imposed  
7 by this title except its power to propose and adopt regulations.

8 \* **Sec. 7.** AS 04.06.090(b) is amended to read:

9 (b) Only the board may issue, renew, transfer, relocate, suspend, or  
10 revoke a license or endorsement under this title. The board shall review all  
11 applications for licenses and endorsements made under this title and may order the  
12 director to issue, renew, revoke, transfer, or suspend licenses, endorsements, and  
13 permits authorized under this title.

14 \* **Sec. 8.** AS 04.06.090(e) is amended to read:

15 (e) The board shall promptly notify all licensees and municipalities of major  
16 changes to this title and to regulations adopted under this title. However, if changes  
17 only affect specific classifications of licenses, endorsements, and permits, the board  
18 need only notify those licensees and municipalities directly affected by the changes.  
19 Current copies of this title and current copies of the regulations adopted under it shall  
20 be made available at all offices in the state of the Department of Commerce,  
21 Community, and Economic Development and the detachment headquarters and posts  
22 maintained by the division of Alaska state troopers in the Department of Public Safety.

23 \* **Sec. 9.** AS 04.06.090 is amended by adding new subsections to read:

24 (f) The board is responsible for education on relevant state statutes,  
25 regulations, and policies. The board shall coordinate with agencies and nonprofit  
26 organizations that provide alcohol awareness education to develop a plan to educate  
27 public safety professionals, the alcoholic beverage industry, individuals under 21 years  
28 of age, local governments, established villages, and the general public on the  
29 responsible use of alcoholic beverages. The board shall update and revise the plan  
30 annually.

31 (g) The board shall review the fees specified in this title and regulations

1 adopted under this title at least every five years.

2 (h) The board may, within 30 days after the introduction of a bill amending a  
3 provision of this title or adding a new provision to this title, prepare an advisory  
4 opinion regarding the changes proposed in the bill.

5 (i) The board shall, within 30 business days after receiving notice of a  
6 conviction or violation under this title, provide a copy of the conviction or violation to  
7 the holder of a license if an offense or violation occurred on the holder's licensed  
8 premises and the holder is not the subject of the conviction or violation.

9 (j) The board shall post information on the board's Internet website about fetal  
10 alcohol syndrome and fetal alcohol effects resulting from a woman consuming alcohol  
11 during pregnancy.

12 \* **Sec. 10.** AS 04.06.095 is amended to read:

13 **Sec. 04.06.095. Statewide database. (a)** The board, after consulting with  
14 package store licensees, shall create and maintain a statewide database that contains a  
15 monthly record of the alcohol purchased by, and shipped to, a person who resides in a  
16 municipality or established village that has restricted the sale of alcoholic beverages  
17 under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2).

18 **(b)** Except as otherwise specifically provided in this section, the information  
19 contained in the database is confidential and is not subject to inspection or copying  
20 under AS 40.25.110 - 40.25.220. **Personally identifiable information, including**  
21 **business names and addresses,** [INFORMATION] in the database shall be purged  
22 one year after entry unless it is needed for criminal investigation or prosecution. **All**  
23 **other information in the database shall be retained in aggregate form and purged**  
24 **10 years after entry.** Information in the database is available only to

25 (1) a package store licensee, agent, or employee to consult before  
26 shipping alcohol to a purchaser in a restricted area **under a package store shipping**  
27 **endorsement** as provided in **AS 04.09.460** [AS 04.11.150(g)];

28 (2) a law enforcement officer;

29 (3) a probation or parole officer;

30 (4) the board; and

31 (5) the person who is the subject of the information; the board shall

1 adopt regulations concerning access by a person to information contained in the  
2 database of the purchases by, and shipments to, that person.

3 \* **Sec. 11.** AS 04.06.095 is amended by adding a new subsection to read:

4 (c) The board shall produce an annual report of the aggregate regional and  
5 statewide data from the database, excluding personally identifiable information and  
6 the names and addresses of businesses, and shall make the report available for public  
7 inspection and copying under AS 40.25.110 - 40.25.220. The report must include  
8 information about the total volume of alcohol received in each municipality or  
9 established village.

10 \* **Sec. 12.** AS 04.06.100(b) is amended to read:

11 (b) The subjects covered by regulations adopted under (a) of this section may  
12 include the following matters:

13 (1) employment, conduct, and duties of the director and of regular and  
14 contractual employees of the board;

15 (2) procedures for the issuance, denial, renewal, transfer, revocation,  
16 and suspension of licenses, endorsements, and permits;

17 (3) terms and conditions of licenses, endorsements, and permits  
18 issued;

19 (4) fees for licenses, endorsements, and permits issued for which fees  
20 are not prescribed by statute;

21 (5) conduct of regular and special meetings of the board;

22 (6) delegation to the director of routine administrative functions and  
23 powers;

24 (7) the temporary granting or denial of issuance, transfer, and renewal  
25 of licenses and endorsements;

26 (8) manner of giving any notice required by law or regulation when not  
27 provided for by statute;

28 (9) requirements relating to the qualifications of licensees, the  
29 conditions upon which a license may be issued, the accommodations of licensed  
30 premises, and board inspection of those premises;

31 (10) making of reports by wholesalers;

1 (11) purchase of fidelity bonds by the state for the director and the  
2 employees of the board;

3 (12) prohibition of possession of alcoholic beverages by drunken  
4 persons and by minors;

5 (13) required reports from corporations licensed under this title,  
6 including reports of stock ownership and transfers and changes of officers and  
7 directors;

8 (14) [CREATION OF CLASSIFICATIONS OF LICENSES OR  
9 PERMITS NOT PROVIDED FOR IN THIS TITLE;

10 (15)] establishment and collection of fees to be paid on application for  
11 a license, endorsement, or permit;

12 (15) [(16)] required reports from partnerships and limited partnerships  
13 licensed under this title, including reports of transferred interests of 10 percent or  
14 more;

15 (16) [(17)] required reports from limited liability organizations  
16 licensed under this title, including reports of the transfer of a member's interest if the  
17 transfer equals 10 percent or more of the ownership of the limited liability  
18 organization and any change of managers;

19 (17) restrictions on the manufacture, packaging, sale, and  
20 distribution of products containing alcohol that are intended for human  
21 consumption.

22 \* **Sec. 13.** AS 04 is amended by adding a new chapter to read:

23 **Chapter 09. Licenses, Endorsements, and Permits.**

24 **Article 1. License Types.**

25 **Sec. 04.09.010. Types of licenses.** A license defines activities allowed daily on  
26 licensed premises. License type is a general category of license activity based on the  
27 three-tier system of alcohol regulation. The three types of licenses the board may issue  
28 are manufacturer, wholesale, and retail licenses. The board may issue only the licenses  
29 authorized in AS 04.09.020 - 04.09.370.

30 **Article 2. Manufacturer Licenses.**

31 **Sec. 04.09.020. Brewery manufacturer license.** (a) A brewery manufacturer

1 license authorizes the holder to operate a brewery for the manufacture, packaging,  
2 storing, and sale of its brewed beverages to a buyer as permitted in AS 04.09.050.

3 (b) The biennial brewery manufacturer license fee is \$1,250.

4 (c) The fermentation process of all brewed beverages offered for sale by the  
5 holder of a brewery manufacturer license must occur on the holder's licensed premises  
6 in the state.

7 **Sec. 04.09.030. Winery manufacturer license.** (a) A winery manufacturer  
8 license authorizes the holder to operate a winery for the manufacture, packaging,  
9 storing, and sale of its wine to a buyer as permitted in AS 04.09.050.

10 (b) The biennial winery manufacturer license fee is \$1,000.

11 (c) The fermentation process of all wine offered for sale by the holder of a  
12 winery manufacturer license must occur on the holder's licensed premises in the state.

13 **Sec. 04.09.040. Distillery manufacturer license.** (a) A distillery manufacturer  
14 license authorizes the holder to operate a distillery for the manufacture, packaging,  
15 storing, and sale of its distilled spirits to a buyer as permitted in AS 04.09.050.

16 (b) The biennial distillery manufacturer license fee is \$1,250.

17 (c) At least 80 percent of each final product that contains distilled spirits  
18 offered for sale by the holder of a distillery manufacturer license must be  
19 manufactured on the holder's licensed premises in the state.

20 **Sec. 04.09.050. Authorized sales.** (a) The holder of a manufacturer license  
21 that annually produces in total less than 300,000 barrels of brewed beverages or mead  
22 or cider containing less than 8.5 percent alcohol by volume, less than 50,000 nine-  
23 liter-equivalent cases of wine, sake, or mead or cider containing 8.5 percent or more  
24 alcohol by volume, or less than 50,000 nine-liter-equivalent cases of distilled spirits  
25 may sell its product to

26 (1) the holder of a wholesale license issued under this chapter;

27 (2) the holder of a retail license issued under this chapter;

28 (3) the holder of a permit issued under this chapter;

29 (4) an entity in another state or country.

30 (b) The holder of a manufacturer license that annually produces in total  
31 300,000 barrels or more of brewed beverages or mead or cider containing less than 8.5

1 percent alcohol by volume, 50,000 nine-liter-equivalent cases or more of wine, sake,  
2 or mead or cider containing 8.5 percent or more alcohol by volume, or 50,000 nine-  
3 liter-equivalent cases or more of distilled spirits may sell its product to

4 (1) the holder of a wholesale license issued under this chapter;

5 (2) an entity in another state or country.

6 (c) For purposes of calculating the volume that the holder of a manufacturer  
7 license produces under this section, the volume of production must include all  
8 production by

9 (1) the holder of the manufacturer license; and

10 (2) an officer, director, agent, employee, or affiliate of the holder; in  
11 this paragraph, "affiliate" means a person that directly or indirectly, through one or  
12 more intermediaries, controls, or is controlled by, or is under common control with, a  
13 corporation.

14 **Sec. 04.09.060. Unlicensed manufacturing.** (a) A person commits the crime  
15 of unlicensed manufacturing if the person knowingly operates a

16 (1) brewery without a brewery manufacturer license;

17 (2) winery without a winery manufacturer license; or

18 (3) distillery without a distillery manufacturer license.

19 (b) Unlicensed manufacturing is a class A misdemeanor.

20 **Sec. 04.09.080. Unauthorized manufacturer sale.** (a) Except as provided in  
21 AS 04.09.320 - 04.09.340, a person who holds a manufacturer license commits the  
22 offense of unauthorized manufacturer sale if the person sells its product in violation of  
23 AS 04.09.050.

24 (b) Unauthorized manufacturer sale is a violation.

25 **Sec. 04.09.090. Definition.** In AS 04.09.020 - 04.09.090, "packaging" means  
26 the process of containing alcoholic beverages in bottles or other types of containers for  
27 the purpose of resale.

### 28 **Article 3. Wholesale Licenses.**

29 **Sec. 04.09.100. General wholesale license.** (a) A general wholesale license  
30 authorizes the holder to sell alcoholic beverages at wholesale. The holder of a general  
31 wholesale license may not sell to a person not licensed under this title, except as

1 provided in AS 04.21.040.

2 (b) The biennial general wholesale license fee is \$2,000.

3 (c) In addition to the license fee under (b) of this section, the holder of a  
4 general wholesale license shall pay an annual fee based on the total value of business  
5 transacted by the wholesale business, including the excise tax imposed by  
6 AS 43.60.010. If the total value of business transacted during the calendar year  
7 including the excise tax imposed by AS 43.60.010 is

8 (1) less than or equal to \$100,000, then the annual fee is \$0;

9 (2) over \$100,000 and not over \$150,000, then the annual fee is \$250;

10 (3) over \$150,000 and not over \$200,000, then the annual fee is \$500;

11 (4) over \$200,000 and not over \$250,000, then the annual fee is \$750;

12 (5) over \$250,000 and not over \$300,000, then the annual fee is  
13 \$1,000;

14 (6) over \$300,000 and not over \$350,000, then the annual fee is  
15 \$1,250;

16 (7) over \$350,000 and not over \$400,000, then the annual fee is  
17 \$1,500;

18 (8) over \$400,000 and not over \$500,000, then the annual fee is  
19 \$2,000;

20 (9) over \$500,000 and not over \$600,000, then the annual fee is  
21 \$2,500;

22 (10) over \$600,000 and not over \$700,000, then the annual fee is  
23 \$3,000;

24 (11) over \$700,000 and not over \$800,000, then the annual fee is  
25 \$3,500;

26 (12) over \$800,000 and not over \$1,000,000, then the annual fee is  
27 \$4,500;

28 (13) over \$1,000,000, then the annual fee is \$10,000.

29 **Sec. 04.09.110. Limited wholesale brewed beverage and wine license.** (a) A  
30 limited wholesale brewed beverage and wine license authorizes the holder to sell  
31 brewed beverages and wine at wholesale. The holder of a limited wholesale brewed

1 beverage and wine license may not sell to a person not licensed under this title, except  
2 as provided in AS 04.21.040.

3 (b) The biennial limited wholesale brewed beverage and wine license fee is  
4 \$400.

5 (c) In addition to the license fee under (b) of this section, the holder of a  
6 limited wholesale brewed beverage and wine license shall pay an annual fee based on  
7 the total value of business transacted by the wholesale business, including the excise  
8 tax imposed by AS 43.60.010. If the total value of business transacted during the  
9 calendar year including the excise tax imposed by AS 43.60.010 is

- 10 (1) less than or equal to \$20,000, then the annual fee is \$0;
- 11 (2) over \$20,000 and not over \$50,000, then the annual fee is \$150;
- 12 (3) over \$50,000 and not over \$100,000, then the annual fee is \$500;
- 13 (4) over \$100,000 and not over \$150,000, then the annual fee is \$750;
- 14 (5) over \$150,000 and not over \$200,000, then the annual fee is  
15 \$1,000;
- 16 (6) over \$200,000 and not over \$400,000, then the annual fee is  
17 \$2,000;
- 18 (7) over \$400,000 and not over \$600,000, then the annual fee is  
19 \$3,000;
- 20 (8) over \$600,000 and not over \$800,000, then the annual fee is  
21 \$4,000;
- 22 (9) over \$800,000, then the annual fee is \$10,000.

23 **Sec. 04.09.120. Annual fee and affidavit.** (a) Not later than February 28 of  
24 each year, the holder of a general wholesale license or a limited wholesale brewed  
25 beverage and wine license shall pay the annual fee for the license for the preceding  
26 calendar year and file with the board an affidavit showing the

- 27 (1) total value of business transacted under the license by the  
28 wholesale business, including the excise tax imposed by AS 43.60.010, during the  
29 preceding calendar year; and
- 30 (2) location of the licensed premises at which the business was  
31 transacted.

1 (b) Failure to file an affidavit under (a) of this section or the expiration of a  
2 license under AS 04.11.540 does not relieve a licensee from paying the prescribed  
3 annual fee.

4 **Sec. 04.09.130. Wholesale supplier declaration.** (a) A person who applies for  
5 issuance or renewal of a general wholesale license or a limited wholesale brewed  
6 beverage and wine license shall submit to the board, on a form prescribed by the  
7 board, a declaration that the person is the appointed wholesaler of the distiller, brewer,  
8 vintner, or importer of each product line of alcoholic beverage that the person intends  
9 to purchase, offer for sale, or sell. The form must include a space for the person to  
10 indicate the total number of suppliers. The board may request a list of suppliers or  
11 additional information about a product line.

12 (b) A person filing a declaration under this section shall pay a biennial filing  
13 fee. If the declaration lists

- 14 (1) one to 25 suppliers, the fee is \$500;
- 15 (2) 26 to 50 suppliers, the fee is \$1,000;
- 16 (3) 51 to 75 suppliers, the fee is \$1,500;
- 17 (4) 76 or more suppliers, the fee is \$2,000.

18 (c) In this section, "distiller, brewer, vintner, or importer" includes an  
19 exclusive agent of the distiller, brewer, vintner, or importer if the agent's name appears  
20 on the label of the brand approved by the Alcohol and Tobacco Tax and Trade Bureau.

21 **Sec. 04.09.140. Unlicensed wholesale sale.** (a) A person commits the crime of  
22 unlicensed wholesale sale if the person knowingly sells

- 23 (1) distilled spirits at wholesale without a general wholesale license; or
- 24 (2) brewed beverages or wine at wholesale without a general wholesale  
25 license or a limited wholesale brewed beverage and wine license.

26 (b) Unlicensed wholesale sale is a class A misdemeanor.

27 **Sec. 04.09.150. Failure to pay annual fee or file affidavit.** (a) A person  
28 commits the offense of failure to pay an annual wholesale fee or file a wholesale  
29 affidavit if the person fails to pay the annual fee or file the affidavit as required under  
30 AS 04.09.120.

31 (b) Failure to pay an annual wholesale fee or file a wholesale affidavit is a

1 violation.

2 **Sec. 04.09.160. Failure to pay biennial fee or file declaration.** (a) A person  
3 commits the offense of failure to pay a biennial supplier fee or file a supplier  
4 declaration if the person fails to pay the biennial supplier fee or file the declaration as  
5 required under AS 04.09.130.

6 (b) Failure to pay a biennial supplier fee or file a supplier declaration is a  
7 violation.

8 **Article 4. Retail Licenses.**

9 **Sec. 04.09.200. Beverage dispensary license.** (a) A beverage dispensary  
10 license authorizes the holder to sell or serve on the licensed premises alcoholic  
11 beverages for consumption only on the licensed premises.

12 (b) The biennial beverage dispensary license fee is \$2,500.

13 (c) The holder of a beverage dispensary license may not maintain on the  
14 licensed premises more than one room in which there is regularly maintained a fixed  
15 counter or service bar that has plumbing connections to permanent plumbing at which  
16 alcoholic beverages are sold or served to members of the public for consumption,  
17 unless the license has a multiple fixed counter endorsement under AS 04.09.420.

18 (d) Except as provided under AS 04.09.610, 04.09.640, 04.09.670, and  
19 AS 04.16.120(c), the holder of a beverage dispensary license who sells or serves  
20 alcoholic beverages off the licensed premises or permits consumption off the premises  
21 of alcoholic beverages sold or served on the premises commits the offense of  
22 unauthorized beverage dispensary activity.

23 (e) Unauthorized beverage dispensary activity is a violation.

24 **Sec. 04.09.210. Restaurant or eating place license.** (a) A restaurant or eating  
25 place license authorizes a restaurant or eating place to

26 (1) sell brewed beverages and wine for consumption only on the  
27 licensed premises; and

28 (2) allow a person

29 (A) under 21 years of age access as provided in (d) of this  
30 section to the licensed premises; and

31 (B) to enter or remain on the licensed premises to consume

1 food or nonalcoholic beverages as authorized under AS 04.16.010(c)(5).

2 (b) The biennial restaurant or eating place license fee is \$1,250.

3 (c) The board may issue or renew a license under this section only if the

4 (1) board determines that

5 (A) the licensed premises is a bona fide restaurant as defined in  
6 AS 04.21.080(b);

7 (B) there is supervision on the premises adequate to reasonably  
8 ensure that a person under 21 years of age will not obtain alcoholic beverages;  
9 and

10 (C) it is unlikely that persons under 21 years of age not  
11 employed on the premises will enter and remain on the licensed premises for  
12 purposes other than dining; and

13 (2) sale and service of food and alcoholic beverages and any other  
14 business conducted on the licensed premises of the restaurant or eating place is under  
15 the sole control of the licensee.

16 (d) The board may authorize the holder of a restaurant or eating place license

17 (1) to allow a person who is at least 16 years of age but under 21 years  
18 of age to enter and remain on the licensed premises for dining only;

19 (2) to allow a person who is under 16 years of age to enter and remain  
20 on the licensed premises for dining only if

21 (A) the person is accompanied by a person who is 21 years of  
22 age or older; and

23 (B) the parent or guardian of the person consents to the person  
24 being on the licensed premises; and

25 (3) subject to AS 04.16.049, to employ or permit the employment of a  
26 person who is at least 16 years of age but under 21 years of age on the licensed  
27 premises if the employer provides adequate supervision to ensure that the person does  
28 not obtain alcoholic beverages.

29 (e) The holder of a restaurant or eating place license shall ensure that gross  
30 receipts from the sale of food for consumption on the licensed premises are not less  
31 than the total of the gross receipts from the sale of alcoholic beverages for

1 consumption on the licensed premises in each calendar year. At the time the holder  
2 submits an application for renewal of the license, the holder shall submit a statement  
3 to the board certifying that the holder has met the requirement under this subsection  
4 for the designated period of the license under AS 04.11.680. The board may renew a  
5 restaurant or eating place license only if the licensee's statement provides evidence  
6 satisfactory to the board that, during the designated period of the license under  
7 AS 04.11.680, the gross receipts from the sale of food for consumption on the licensed  
8 premises were not less than the total of the gross receipts from the sale of alcoholic  
9 beverages for consumption on the licensed premises.

10 (f) The holder of a restaurant or eating place license may provide  
11 entertainment on or adjacent to the licensed premises only between the hours of 10:00  
12 a.m. and 11:00 p.m. unless additional hours are approved by the director upon the  
13 written request of the licensee for a specific occasion. The director may not grant  
14 approval for additional hours of entertainment on or adjacent to the licensed premises  
15 of an individual licensee more than six times in a calendar year. In this subsection,  
16 "entertainment" includes dancing, karaoke, live performances, or similar activities, but  
17 does not include recorded or broadcast performances without live participation.

18 (g) Except as provided under AS 04.09.620, 04.09.640, 04.09.645, and  
19 AS 04.16.120(c), the holder of a restaurant or eating place license commits the offense  
20 of failure to comply with the terms of a restaurant or eating place license if the person  
21 sells brewed beverages or wine in violation of (a) of this section, engages in activity  
22 not authorized by the board under (d) of this section, or fails to comply with the  
23 requirements of (d), (e), or (f) of this section.

24 (h) Failure to comply with the terms of a restaurant or eating place license is a  
25 violation.

26 **Sec. 04.09.220. Club license.** (a) A club license authorizes a club or  
27 organization to sell alcoholic beverages for consumption only on the licensed  
28 premises.

29 (b) The biennial fee for a club license is \$1,500.

30 (c) The board may issue a club license only to an organization operated for  
31 social, recreational, benevolent, or athletic purposes and not for profit. The board may

1 issue a club license only to a club, fraternal organization, patriotic organization, or  
2 social organization that has been chartered by

3 (1) a state or national organization for a period of 10 consecutive years  
4 before application for a license under this section; or

5 (2) a national organization that has maintained a chartered club or  
6 organization in the state for a period of at least 20 years.

7 (d) Alcoholic beverages sold under a club license may be purchased only by

8 (1) members of the club and their families;

9 (2) widows or widowers of deceased members of the club who have  
10 been accorded club privileges; and

11 (3) military personnel on active duty who are extended the privilege by  
12 patriotic organizations.

13 (e) Alcoholic beverages may be purchased only in the portion of the club  
14 rooms that are part of the licensed premises.

15 (f) Guests who enter the club premises on the invitation of a member and in  
16 the company of the member may be served but not sold alcoholic beverages. A guest  
17 shall leave the premises immediately upon the departure of the member who extended  
18 the invitation to enter.

19 (g) Notwithstanding AS 04.16.049, access by persons under 21 years of age to  
20 the

21 (1) licensed premises of a club is permitted when alcoholic beverages  
22 are not present; and

23 (2) premises of a patriotic organization licensed as a club under this  
24 section is permitted when alcoholic beverages are present, if the person possesses a  
25 valid active duty military or armed forces identification card issued by the United  
26 States Department of Defense or the United States Department of Homeland Security.

27 (h) The holder of a club license may not serve or sell alcoholic beverages for  
28 use or consumption off the licensed premises of the club or organization, including use  
29 or consumption by a club member or employee, except under a club caterer's permit.

30 (i) The holder of a club license may not

31 (1) solicit public patronage of the club premises, except as approved by

1 the board;

2 (2) distribute income from the sale of alcoholic beverages under the  
3 license to a member, director, or officer;

4 (3) sell or serve alcoholic beverages in club rooms outside the portion  
5 of the club rooms that are part of the licensed premises.

6 (j) In this section, "member" means a holder of a full year of paid membership  
7 entitling the holder to all voting rights and privileges of membership under the  
8 constitution or bylaws of the club or organization.

9 (k) The holder of a club license commits the offense of failure to comply with  
10 the terms of a club license if the person sells alcoholic beverages in violation of (a) of  
11 this section or violates (d), (e), (f), (h), or (i) of this section.

12 (l) Failure to comply with the terms of a club license is a violation.

13 **Sec. 04.09.230. Package store license.** (a) A package store license authorizes  
14 the holder to operate a package store to store alcoholic beverages with federally  
15 compliant labels and to sell alcoholic beverages with federally compliant labels to a  
16 person present on the licensed premises.

17 (b) The biennial package store license fee is \$1,500.

18 (c) The licensed premises occupied by the holder of a package store license  
19 may not be connected by a door, opening, or other means of passage intended for the  
20 access of the general public to an adjacent retail business not licensed under this title  
21 unless approved by the board.

22 (d) If the holder of a package store license also holds a beverage dispensary  
23 license, the licensed premises of the package store are contained within or are adjacent  
24 to the licensed premises of the beverage dispensary, and the only public entrance to  
25 the package store is by a door or other means within the beverage dispensary, the  
26 board shall determine whether additional entrances to the package store are necessary  
27 for enforcement purposes, to meet health and fire safety standards, or for the  
28 convenience of the public.

29 (e) The holder of a package store license may not

30 (1) offer alcoholic beverages for consumption on the licensed premises  
31 or allow the consumption of alcoholic beverages on the licensed premises except as

1 authorized by a package store sampling endorsement issued under AS 04.09.490 or a  
2 package store tasting event permit issued under AS 04.09.670;

3 (2) subdivide alcoholic beverages except as authorized by a package  
4 store repackaging endorsement issued under AS 04.09.480;

5 (3) offer alcoholic beverages for sale or sell alcoholic beverages to a  
6 person not present on the licensed premises who makes an order for shipment except  
7 as authorized by a package store shipping endorsement under AS 04.09.460; or

8 (4) deliver alcoholic beverages to a person not present on the licensed  
9 premises except as authorized by a package store delivery endorsement under  
10 AS 04.09.470.

11 (f) The holder of a package store license commits the offense of failure to  
12 comply with the terms of a package store license if the person stores or sells alcoholic  
13 beverages in violation of (a) of this section or fails to comply with (c) or (e) of this  
14 section.

15 (g) Failure to comply with the terms of a package store license is a violation.

16 **Sec. 04.09.240. Pub license.** (a) A pub license authorizes the holder to sell  
17 brewed beverages and wine for consumption only at a designated premises located on  
18 the campus of an accredited college or university.

19 (b) The biennial pub license fee is \$1,250.

20 (c) The board may not

21 (1) issue more than one pub license for each accredited college or  
22 university campus in the state; and

23 (2) issue or renew a pub license without the written approval of the  
24 governing body of the accredited college or university.

25 (d) The board may designate two alternating premises for a pub license if

26 (1) both premises are

27 (A) located on the accredited college or university campus;

28 (B) not located in contiguous rooms or adjacent buildings; and

29 (C) under the licensee's control;

30 (2) at any time, only one location is operating as a licensed premises  
31 with specified operating hours approved by the board; and

1 (3) all alcoholic beverages are either removed from the alternate  
2 premises or stored in a secure location that is not accessible to the general public  
3 during times when the alternate premises is not operating as a licensed premises.

4 (e) The board may suspend or revoke a licensee's use of an alternate premises  
5 under (d) of this section after providing to the licensee written notice and an  
6 opportunity to be heard.

7 (f) In this section, "accredited college or university" means a college or  
8 university accredited by the Northwest Commission on Colleges and Universities.

9 (g) The holder of a pub license commits the offense of failure to comply with  
10 the terms of a pub license if the person sells brewed beverages or wine in violation of  
11 (a) of this section.

12 (h) Failure to comply with the terms of a pub license is a violation.

13 **Sec. 04.09.250. Theater license.** (a) A theater license authorizes the holder of  
14 a beverage dispensary license or a restaurant or eating place license to sell alcoholic  
15 beverages for consumption on licensed premises at a specified theater site, except that  
16 a restaurant or eating place licensee with a theater license may only sell brewed  
17 beverages and wine.

18 (b) The biennial theater license fee is \$1,250.

19 (c) The holder of a theater license may sell or serve alcoholic beverages only  
20 in designated areas on the licensed premises and only for one hour before the event  
21 and during intermissions.

22 (d) The holder of a theater license may not sell, serve, or permit the  
23 consumption of alcoholic beverages in the audience viewing area.

24 (e) The holder of a theater license shall post the license conspicuously in the  
25 theater during times when alcoholic beverages are sold.

26 (f) The board may not approve an application for transfer of a theater license  
27 to another location.

28 (g) In this section, "theater" means a location where events, including plays,  
29 operas, orchestra concerts, readings, and similar activities as determined by the board,  
30 are presented by live performers on a stage.

31 (h) A person commits the offense of failure to comply with the terms of a

1 theater license if the person sells, serves, or permits the consumption of alcoholic  
2 beverages except as permitted in this section or fails to post the license as required by  
3 this section.

4 (i) Failure to comply with the terms of a theater license is a violation.

5 **Sec. 04.09.260. Common carrier dispensary license.** (a) A common carrier  
6 dispensary license authorizes the holder to sell alcoholic beverages for consumption  
7 aboard a boat or train licensed by a state or federal agency for passenger travel, or  
8 aboard an aircraft operated by an airline licensed by a state or federal agency for  
9 passenger travel.

10 (b) Except as provided for airlines under (c) of this section, the biennial  
11 common carrier dispensary license fee is \$1,000 for each of the first 10 licenses a  
12 common carrier holds and \$100 for each additional license issued to the common  
13 carrier after the first 10 licenses.

14 (c) The biennial fee for a common carrier dispensary license issued to an  
15 airline is the fee specified under (b) of this section for each aircraft in which alcoholic  
16 beverages are served or \$2,000 for each community served by the airline. An airline  
17 shall specify the fee applicable to the license at the time of the airline's application for  
18 issuance or renewal of the license.

19 (d) Except for a common carrier that is an airline, a common carrier shall  
20 obtain a license for each boat or train in which alcoholic beverages are served. After  
21 obtaining an initial license for the first boat or train, the common carrier may obtain  
22 additional licenses for additional boats or trains upon making a written request  
23 identifying the boat or train in the manner prescribed by the board and paying the  
24 biennial fee for additional licensed premises as required by (b) of this section.

25 (e) The holder of a common carrier dispensary license who exceeds the  
26 authority granted in (a) of this section commits the crime of unauthorized common  
27 carrier dispensary activity.

28 (f) Unauthorized common carrier dispensary activity is a class A  
29 misdemeanor.

30 (g) The holder of a common carrier dispensary license who fails to comply  
31 with (b) - (d) of this section commits the offense of common carrier dispensary

1 noncompliance.

2 (h) Common carrier dispensary noncompliance is a violation and is punishable  
3 by a fine of \$500 for each boat, train, or aircraft not in compliance with this section.

4 **Sec. 04.09.270. Sporting activity or event license.** (a) A sporting activity or  
5 event license authorizes the holder to sell brewed beverages and wine at multiple  
6 noncontiguous locations at a sporting activity or event site during and one hour before  
7 and after a sporting activity or event that is not a school activity or event, for  
8 consumption on designated areas at the sporting activity or event site.

9 (b) The biennial sporting activity or event license fee is \$1,250.

10 (c) In this section, "sporting activity or event site" includes a location where  
11 baseball, hockey, rugby, soccer, or football games, car races, dog sled racing events,  
12 rodeos, skiing and snowboarding activities, bowling games or leagues, or curling  
13 matches are regularly held.

14 (d) The holder of a sporting activity or event license who sells brewed  
15 beverages or wine off the licensed premises or during hours not authorized under (a)  
16 of this section or who permits consumption off the premises of brewed beverages or  
17 wine sold on the premises commits the offense of unauthorized sporting activity or  
18 event activity.

19 (e) Unauthorized sporting activity or event activity is a violation.

20 (f) The holder, on the day before the effective date of this section, of a  
21 recreational site license issued under former AS 04.11.210 who offered brewed  
22 beverages and wine for sale to the public for consumption on the licensed premises  
23 may continue to offer brewed beverages and wine for sale to the public for  
24 consumption on the premises until December 31, 2027, for a license renewing on an  
25 odd-numbered year, or December 31, 2028, for a license renewing on an even-  
26 numbered year, if the holder of the license is otherwise in compliance with the  
27 requirements of this title as it read on the day before the effective date of this section.

28 **Sec. 04.09.280. Outdoor recreation lodge license.** (a) An outdoor recreation  
29 lodge license authorizes the holder to sell alcoholic beverages to a registered overnight  
30 guest or off-duty staff of the lodge for consumption on the licensed premises or in  
31 conjunction with purchased outdoor recreation activities provided by the licensee.

1 (b) The biennial outdoor recreation lodge license fee is \$2,500.

2 (c) The board may not grant an application for transfer of an outdoor  
3 recreation lodge license to another location.

4 (d) In this section, "outdoor recreation lodge" means a licensed business that  
5 provides overnight accommodations and meals, is primarily involved in offering  
6 opportunities for persons to engage in outdoor recreation activities, and has a  
7 minimum of two guest rooms.

8 (e) The holder of an outdoor recreation lodge license who sells alcoholic  
9 beverages in violation of the authority granted under (a) of this section commits the  
10 offense of unauthorized outdoor recreation lodge activity.

11 (f) Unauthorized outdoor recreation lodge activity is a violation.

12 **Sec. 04.09.290. Fair license.** (a) A fair license authorizes the holder to sell  
13 beer and wine at multiple noncontiguous locations at an annual fair held on  
14 fairgrounds for consumption on the licensed premises.

15 (b) The biennial fair license fee is \$1,250.

16 (c) The board may issue a fair license only to a nonprofit organization that is  
17 incorporated under AS 10.20 and has been active for a period of at least five years  
18 before the effective date of sec. 13 of this Act.

19 (d) The holder of a fair license may not sell brewed beverages or wine at more  
20 than 30 events, other than an annual fair, held on the fairgrounds in a calendar year.

21 (e) In this section, "annual fair" means an annual gathering of residents of all  
22 or a portion of the state that offers competitive exhibitions of livestock and agricultural  
23 crops, carnival amusement rides and games, and displays of arts and crafts.

24 **Sec. 04.09.300. Golf course license.** (a) A golf course license authorizes the  
25 holder to sell brewed beverages and wine for consumption on the licensed premises.

26 (b) The biennial golf course license fee is \$1,250.

27 (c) An application for a golf course license must include

28 (1) a drawing of the golf course with an annotated illustration and  
29 description of the portions of the course that are intended to be licensed premises; and

30 (2) a sample food menu.

31 (d) The board may not approve an application for transfer of a golf course

1 license to another location.

2 (e) The holder of a golf course license shall make food similar to that listed in  
3 the sample menu available during times when brewed beverages and wine are sold,  
4 served, and consumed on the licensed premises.

5 (f) The holder of a golf course license may not allow a person other than the  
6 holder or an agent or employee of the holder, in the regular course of employment, to  
7 bring alcoholic beverages onto the licensed premises or other portions of the course  
8 for consumption.

9 (g) In this section, "licensed premises" includes the golf course, a driving  
10 range, a club house, and other buildings located on the course, and a vending cart  
11 carrying beverages or food to, from, or on the course, and does not include the parking  
12 lot.

13 (h) The holder of a golf course license commits the offense of failure to  
14 comply with the terms of a golf course license if the person sells brewed beverages or  
15 wine in violation of this section or violates (e) or (f) of this section.

16 (i) Failure to comply with the terms of a golf course license is a violation.

17 **Sec. 04.09.310. Destination resort license.** (a) A destination resort license  
18 authorizes the holder to sell alcoholic beverages at multiple noncontiguous locations at  
19 a destination resort for consumption on the licensed premises in conjunction with the  
20 visitor activities provided by the licensee to cruise ship passengers and staff and other  
21 visitors while the cruise ship is in port at the resort.

22 (b) The biennial destination resort license fee is \$2,500.

23 (c) The board may not approve an application for transfer of a destination  
24 resort license to another location.

25 (d) In this section, "destination resort" means a business that owns a site of at  
26 least 20 acres that is used principally as a destination for cruise ships and other vessels  
27 that carry a minimum of 50 passengers and that does not provide overnight lodging on  
28 its premises for visitors.

29 (e) The holder of a destination resort license commits the offense of failure to  
30 comply with a destination resort license if the person sells alcoholic beverages in  
31 violation of (a) of this section.

1 (f) Failure to comply with the terms of a destination resort license is a  
2 violation.

3 **Sec. 04.09.320. Brewery retail license.** (a) A brewery retail license authorizes  
4 the holder to store, sell, or serve on the licensed premises brewed beverages for  
5 consumption on and off the premises.

6 (b) The biennial brewery retail license fee is \$1,250.

7 (c) The board may issue a brewery retail license only to the holder of a  
8 brewery manufacturer license under AS 04.09.020. The brewery retail licensed  
9 premises may be all or part of the brewery manufacturer licensed premises, or the  
10 brewery retail licensed premises may be at a single different site that is adjacent to the  
11 brewery manufacturer licensed premises.

12 (d) Each day, the holder of a brewery retail license may sell, to a person on the  
13 licensed premises for consumption on the licensed premises, not more than

14 (1) 36 ounces of the holder's beer; or

15 (2) 18 ounces of the holder's sake.

16 (e) Except as provided under (g) of this section and AS 04.09.685, the holder  
17 of a brewery retail license may not

18 (1) allow live music or performances, disc jockeys, karaoke,  
19 televisions, pool tables, dart games, or organized games or tournaments on the  
20 premises where the consumption occurs;

21 (2) provide seats at the counter or bar where the brewed beverages are  
22 served;

23 (3) open the room where the consumption occurs before 9:00 a.m.; or

24 (4) serve brewed beverages after 9:00 p.m.

25 (f) Each day, the holder of a brewery retail license is authorized to sell, to a  
26 person on the licensed premises for consumption off the licensed premises, not more  
27 than 5.167 gallons of the holder's beer or sake.

28 (g) The holder of a brewery retail license may allow on the premises where the  
29 consumption occurs

30 (1) activities, presentations, television or video displays, or other  
31 displays that directly promote or educate customers about the brewery's products,

1 processes, or establishment; and

2 (2) other community organizations or businesses to provide  
3 presentations, classes, or product displays or host fundraisers.

4 (h) The holder of a brewery retail license commits the offense of failure to  
5 comply with the terms of a brewery retail license if the person stores, sells, or serves  
6 brewed beverages in violation of (a) of this section or violates (d), (e), or (f) of this  
7 section.

8 (i) Failure to comply with the terms of a brewery retail license is a violation.

9 **Sec. 04.09.330. Winery retail license.** (a) A winery retail license authorizes  
10 the holder to store, sell, or serve on the licensed premises wine for consumption on  
11 and off the premises.

12 (b) The biennial winery retail license fee is \$1,000.

13 (c) The board may issue a winery retail license only to the holder of a winery  
14 manufacturer license issued under AS 04.09.030. The winery retail licensed premises  
15 may be all or part of the winery manufacturer licensed premises, or the winery retail  
16 licensed premises may be at a single different site that is adjacent to the winery  
17 manufacturer licensed premises.

18 (d) Each day, the holder of a winery retail license may sell, to a person on the  
19 licensed premises for consumption on the licensed premises, a total volume that does  
20 not exceed

21 (1) 18 ounces of the holder's wine, mead, or cider containing 8.5  
22 percent or more alcohol by volume;

23 (2) 36 ounces of the holder's mead or cider containing less than 8.5  
24 percent alcohol by volume; or

25 (3) the alcoholic equivalent of (1) or (2) of this subsection.

26 (e) Except as provided under (g) of this section and AS 04.09.685, the holder  
27 of a winery retail license may not

28 (1) allow live music or performances, disc jockeys, karaoke,  
29 televisions, pool tables, dart games, or organized games or tournaments on the  
30 premises where the consumption occurs;

31 (2) provide seats at the counter or bar where the wine is served;

1 (3) open the room where the consumption occurs before 9:00 a.m.; or

2 (4) serve wine after 9:00 p.m.

3 (f) Each day, the holder of a winery retail license is authorized to sell, to a  
4 person on the licensed premises for consumption off the licensed premises, not more  
5 than 5.167 gallons of the holder's wine, mead, or cider.

6 (g) The holder of a winery retail license may allow on the premises where the  
7 consumption occurs

8 (1) activities, presentations, television or video displays, or other  
9 displays that directly promote or educate customers about the winery's products,  
10 processes, or establishment; and

11 (2) other community organizations or businesses to provide  
12 presentations, classes, or product displays or host fundraisers.

13 (h) The holder of a winery retail license commits the offense of failure to  
14 comply with the terms of a winery retail license if the person stores, sells, or serves  
15 wine in violation of (a) of this section or violates (d), (e), or (f) of this section.

16 (i) Failure to comply with the terms of a winery retail license is a violation.

17 **Sec. 04.09.340. Distillery retail license.** (a) A distillery retail license  
18 authorizes the holder to store, sell, or serve on the licensed premises distilled spirits  
19 for consumption on and off the premises.

20 (b) The biennial distillery retail license fee is \$1,250.

21 (c) The board may issue a distillery retail license only to the holder of a  
22 distillery manufacturer license under AS 04.09.040. The distillery retail licensed  
23 premises may be all or part of the distillery manufacturer licensed premises, or the  
24 distillery retail licensed premises may be at a single different site that is adjacent to the  
25 distillery manufacturer licensed premises.

26 (d) The holder of a distillery retail license may sell not more than three ounces  
27 of the holder's distilled spirits each day to a person on the licensed premises for  
28 consumption on the licensed premises. The holder of a distillery retail license may  
29 combine the holder's distilled spirits under this subsection with other ingredients that  
30 are not alcoholic beverages, including mixers, liquids, and garnishes.

31 (e) Except as provided under (g) of this section and AS 04.09.685, the holder

1 of a distillery retail license may not

2 (1) allow live music or performances, disc jockeys, karaoke,  
3 televisions, pool tables, dart games, or organized games or tournaments on the  
4 premises where the consumption occurs;

5 (2) provide seats at the counter or bar where the distilled spirits are  
6 served;

7 (3) open the room where the consumption occurs before 9:00 a.m.; or

8 (4) serve distilled spirits after 9:00 p.m.

9 (f) The holder of a distillery retail license is authorized to sell not more than  
10 3.75 liters of the holder's distilled spirits each day to a person on the licensed premises  
11 for consumption off the licensed premises.

12 (g) The holder of a distillery retail license may allow on the premises where  
13 the consumption occurs

14 (1) activities, presentations, television or video displays, or other  
15 displays that directly promote or educate customers about the distillery's products,  
16 processes, or establishment; and

17 (2) other community organizations or businesses to provide  
18 presentations, classes, or product displays or host fundraisers.

19 (h) The holder of a distillery retail license commits the offense of failure to  
20 comply with the terms of a distillery retail license if the person stores, sells, or serves  
21 distilled spirits in violation of (a) of this section or violates (d), (e), or (f) of this  
22 section.

23 (i) Failure to comply with the terms of a distillery retail license is a violation.

24 **Sec. 04.09.350. Beverage dispensary tourism license.** (a) A beverage  
25 dispensary tourism license authorizes the holder to sell or serve on the licensed  
26 premises alcoholic beverages for consumption only on the licensed premises.

27 (b) The biennial beverage dispensary tourism license fee is \$2,500.

28 (c) The board may

29 (1) issue a new beverage dispensary tourism license if it appears that  
30 the issuance will encourage the tourist trade by promoting the construction or  
31 improvement of

1 (A) a hotel, motel, resort, or similar business relating to the  
2 tourist trade with a dining facility or having kitchen facilities in a majority of  
3 its rental rooms and at least a minimum number of rental rooms required  
4 according to the population of the incorporated city, unified municipality, or  
5 population area established under AS 04.11.400(a) in which the facility will be  
6 located, as follows:

7 (i) 10 rental rooms if the population is less than 1,501;

8 (ii) 20 rental rooms if the population is 1,501 - 2,500;

9 (iii) 25 rental rooms if the population is 2,501 - 5,000;

10 (iv) 30 rental rooms if the population is 5,001 - 15,000;

11 (v) 35 rental rooms if the population is 15,001 - 25,000;

12 (vi) 40 rental rooms if the population is 25,001 -

13 50,000; and

14 (vii) 50 rental rooms if the population is greater than

15 50,000; or

16 (B) an airport terminal; and

17 (2) approve the renewal or transfer of ownership of a beverage  
18 dispensary tourism license initially issued under (1) of this subsection or initially  
19 issued as a beverage dispensary license under AS 04.11.400, as that section read on  
20 the date of the initial licensure, if the

21 (A) holder of the license operates a hotel, motel, resort, or  
22 similar business relating to the tourist trade that

23 (i) has a dining facility on the licensed premises or  
24 kitchen facilities in a majority of its rental rooms; and

25 (ii) maintains at least the minimum number of rental  
26 rooms that the hotel, motel, resort, or similar business had at the time of  
27 initial licensure or that were required at the time of initial licensure; or

28 (B) licensed premises are located inside an airport terminal.

29 (d) The holder of a beverage dispensary tourism license may not maintain on  
30 the licensed premises more than one room in which there is regularly maintained a  
31 fixed counter or service bar that has plumbing connections to permanent plumbing at

1 which alcoholic beverages are sold or served to members of the public for  
2 consumption unless the license has a multiple fixed counter endorsement under  
3 AS 04.09.420, a hotel or motel endorsement under AS 04.09.430, or a large resort  
4 endorsement under AS 04.09.440.

5 (e) Except as provided under AS 04.09.610, 04.09.640, 04.09.670, and  
6 AS 04.16.120(c), the holder of a beverage dispensary tourism license who sells or  
7 serves alcoholic beverages off the licensed premises or permits consumption off the  
8 premises of alcoholic beverages sold or served on the premises commits the offense of  
9 unauthorized beverage dispensary tourism activity.

10 (f) Unauthorized beverage dispensary tourism activity is a violation.

11 **Sec. 04.09.360. Seasonal restaurant or eating place tourism license.** (a) A  
12 seasonal restaurant or eating place tourism license authorizes a restaurant or eating  
13 place to

14 (1) sell brewed beverages and wine for consumption only on the  
15 licensed premises for a period not to exceed six months in each calendar year; and

16 (2) allow a person

17 (A) under 21 years of age access as provided in (f) of this  
18 section to the licensed premises; and

19 (B) to enter or remain on the licensed premises to consume  
20 food or nonalcoholic beverages as authorized under AS 04.16.010(c)(5).

21 (b) The biennial seasonal restaurant or eating place tourism license fee is  
22 \$1,250.

23 (c) The board may issue or renew a license under this section only if

24 (1) the board determines that

25 (A) the licensed premises is a bona fide restaurant as defined in  
26 AS 04.21.080(b);

27 (B) there is supervision on the premises adequate to reasonably  
28 ensure that a person under 21 years of age will not obtain alcoholic beverages;  
29 and

30 (C) it is unlikely that persons under 21 years of age not  
31 employed on the premises will enter and remain on the licensed premises for

1 purposes other than dining; and

2 (2) the sale and service of food and alcoholic beverages and any other  
3 business conducted on the licensed premises of the restaurant or eating place is under  
4 the sole control of the licensee.

5 (d) The board may issue a license under this section only in a municipality or  
6 established village that

7 (1) has a population of 40,000 or less; and

8 (2) receives more than 4,000 visitors a year, as determined by the  
9 board in regulation.

10 (e) The board may issue a license or approve an application for the transfer of  
11 ownership of a license under this section if it appears that issuance or transfer will  
12 encourage the tourism trade.

13 (f) The board may authorize the holder of a seasonal restaurant or eating place  
14 tourism license

15 (1) to allow a person who is at least 16 years of age but under 21 years  
16 of age to enter and remain on the licensed premises for dining only;

17 (2) to allow a person who is under 16 years of age to enter and remain  
18 on the licensed premises for dining only if

19 (A) the person is accompanied by a person who is 21 years of  
20 age or older; and

21 (B) the parent or guardian of the person consents to the person  
22 being on the licensed premises; and

23 (3) subject to AS 04.16.049, to employ or permit the employment of a  
24 person who is at least 16 years of age but under 21 years of age on the licensed  
25 premises if the employer provides adequate supervision to ensure that the person does  
26 not obtain alcoholic beverages.

27 (g) The holder of a seasonal restaurant or eating place tourism license shall  
28 ensure that gross receipts from the sale of food for consumption on the licensed  
29 premises are not less than the total of the gross receipts from the sale of alcoholic  
30 beverages for consumption on the licensed premises in each calendar year. At the time  
31 the holder submits an application for renewal of the license, the holder shall submit a

1 statement to the board certifying that the holder has met the requirement under this  
2 subsection for the designated period of the license under AS 04.11.680. The board  
3 may renew a seasonal restaurant or eating place tourism license only if the licensee  
4 provides evidence satisfactory to the board that, during the designated period of the  
5 license under AS 04.11.680, the gross receipts from the sale of food for consumption  
6 on the licensed premises were not less than the total of the gross receipts from the sale  
7 of alcoholic beverages for consumption on the licensed premises.

8 (h) The board shall adopt a regulation establishing a formula to limit the  
9 number of seasonal restaurant or eating place tourism licenses.

10 (i) The holder of a seasonal restaurant or eating place tourism license may  
11 provide entertainment on or adjacent to the licensed premises only between the hours  
12 of 10:00 a.m. and 11:00 p.m. unless additional hours are approved by the director  
13 upon the written request of the licensee for a specific occasion. The director may not  
14 grant approval for additional hours of entertainment on or adjacent to the licensed  
15 premises of an individual licensee more than three times in a calendar year. In this  
16 subsection, "entertainment" includes dancing, karaoke, live performances, or similar  
17 activities, but does not include recorded or broadcast performances without live  
18 participation.

19 (j) Except as provided under AS 04.09.620, 04.09.640, and AS 04.16.120(c),  
20 the holder of a seasonal restaurant or eating place tourism license commits the offense  
21 of failure to comply with the terms of a seasonal restaurant or eating place tourism  
22 license if the person sells brewed beverages or wine in violation of (a) of this section,  
23 engages in activity not authorized by the board under (f) of this section, or fails to  
24 comply with the requirements of (f), (g), or (i) of this section.

25 (k) Failure to comply with the terms of a seasonal restaurant or eating place  
26 tourism license is a violation.

27 **Sec. 04.09.370. Manufacturer direct shipment license.** (a) A manufacturer  
28 direct shipment license authorizes the holder of a brewery retail license issued under  
29 AS 04.09.320, winery retail license issued under AS 04.09.330, or distillery retail  
30 license issued under AS 04.09.340, or the holder of a manufacturer license issued in  
31 another state, to sell the holder's product in response to an order for shipment to a

1 person, for personal use only and not for resale, who is located in the state. A  
2 manufacturer direct shipment license may not be transferred to another person or  
3 another location.

4 (b) The biennial fee for a manufacturer direct shipment license is \$200.

5 (c) An applicant for issuance or renewal of a manufacturer direct shipment  
6 license shall

7 (1) submit an application on a form prescribed by the board;

8 (2) consent to the jurisdiction of the board, the Department of  
9 Revenue, and any other state agency or state court concerning enforcement of this  
10 title; and

11 (3) if the applicant is the holder of a license or permit authorizing the  
12 holder to manufacture and sell its product to the public issued in another state, provide  
13 to the board a copy of the holder's license or permit issued

14 (A) in the state; and

15 (B) by the Alcohol and Tobacco Tax and Trade Bureau.

16 (d) All product shipped to a purchaser in the state by the holder of a  
17 manufacturer direct shipment license is subject to the state excise tax.

18 (e) The holder of a manufacturer direct shipment license may not

19 (1) ship product to an address with a zip code located in an area that  
20 has adopted a local option under AS 04.11.491;

21 (2) sell more than

22 (A) 1.5 liters of distilled spirits to a purchaser in one  
23 transaction or more than 4.5 liters of distilled spirits to a purchaser in a  
24 calendar year;

25 (B) 18 liters of wine to a purchaser in one transaction or more  
26 than 108 liters of wine to a purchaser in a calendar year; or

27 (C) 288 ounces of brewed beverages to a purchaser in one  
28 transaction or more than 13.5 gallons of brewed beverages to a purchaser in a  
29 calendar year;

30 (3) ship its product using a common carrier who is not approved by the  
31 board to ship alcoholic beverages to persons in the state under AS 04.09.750(b); or

1 (4) annually produce more than 300,000 barrels in total of brewed  
2 beverages or more than 50,000 proof gallons in total of distilled spirits.

3 (f) Before shipping an order under this section, the holder of a manufacturer  
4 direct shipment license shall

5 (1) verify that the person submitting the order is at least 21 years of  
6 age, using an age verification service or other method, and that the named recipient of  
7 the shipment, if not the same person as the person submitting the order, is at least 21  
8 years of age;

9 (2) determine that the order will not exceed the limits of (e)(2) of this  
10 section;

11 (3) provide written or electronic information to the person submitting  
12 the order on fetal alcohol syndrome and fetal alcohol effects resulting from a woman's  
13 consumption of alcohol during pregnancy; and

14 (4) label the shipping container as containing alcoholic beverages and  
15 requiring a signature by a person who is at least 21 years of age upon delivery.

16 (g) The holder of a manufacturer direct shipment license shall

17 (1) retain records of sales made under this license for at least two  
18 years; and

19 (2) make records of sales available for inspection and audit by the  
20 board and the Department of Revenue.

21 (h) The board shall compile a list that is available for public inspection of zip  
22 codes that are located within a local option area and notify the holder of a  
23 manufacturer direct shipment license of any change to the list.

24 (i) The holder of a manufacturer direct shipment license commits the offense  
25 of failure to comply with the terms of a manufacturer direct shipment license if the  
26 person fails to comply with (e) - (g) of this section.

27 (j) Failure to comply with the terms of a manufacturer direct shipment license  
28 is a violation.

29 **Article 5. Endorsements.**

30 **Sec. 04.09.400. Types of endorsements.** (a) An endorsement expands the  
31 boundaries of a licensed premises or the authorized activities of a licensed business.

1 (b) Only the board may issue an endorsement. The board may issue only the  
2 endorsements authorized in AS 04.09.400 - 04.09.520.

3 (c) An endorsement is valid only in conjunction with a license. An  
4 endorsement may be transferred to another person only if the license for which the  
5 endorsement was issued is also transferred to that person. An endorsement expires if  
6 the licensed premises are relocated, the license expires, or the license is revoked.

7 (d) Except as provided in (c) of this section, an endorsement is valid for the  
8 duration of the license as designated in AS 04.11.680. The holder of the endorsement  
9 shall renew the endorsement biennially.

10 (e) An application for an endorsement under AS 04.09.400 - 04.09.520 must

11 (1) be made in writing on a form prescribed by the board; and

12 (2) demonstrate that the holder of the license has authority over and  
13 will exercise control over conduct of the business in all areas of the licensed premises,  
14 including premises newly licensed by the endorsement.

15 **Sec. 04.09.410. Manufacturer sampling endorsement.** (a) A manufacturer  
16 sampling endorsement authorizes the holder of a brewery manufacturer license,  
17 winery manufacturer license, or distillery manufacturer license to offer for  
18 consumption on the licensed premises at no charge a small sample of an alcoholic  
19 beverage produced by the manufacturer.

20 (b) The biennial fee for a manufacturer sampling endorsement is \$200.

21 (c) A person serving a sample of an alcoholic beverage under this section must  
22 have a current alcohol server education card issued under AS 04.21.025(c). Only the  
23 license holder or an agent or employee of the license holder may serve a sample.

24 (d) The holder of a manufacturer sampling endorsement may serve a total  
25 volume of samples to a person on a licensed premises each day that does not exceed

26 (1) for the holder of a brewery manufacturer license,

27 (A) 12 ounces of beer;

28 (B) six ounces of sake; or

29 (C) the alcoholic equivalent of (A) or (B) of this paragraph;

30 (2) for the holder of a winery manufacturer license,

31 (A) six ounces of wine, mead, or cider containing 8.5 percent

1 or more alcohol by volume;

2 (B) 12 ounces of mead or cider containing less than 8.5 percent  
3 alcohol by volume; or

4 (C) the alcoholic equivalent of (A) or (B) of this paragraph;

5 (3) for the holder of a distillery manufacturer license, 1.5 ounces of  
6 distilled spirits; the holder of the distillery manufacturer license may combine the  
7 holder's distilled spirits under this paragraph with other ingredients that are not  
8 alcoholic beverages, including mixers, liquids, and garnishes.

9 (e) A person who offers a sample of an alcoholic beverage for consumption on  
10 the licensed premises of a brewery, winery, or distillery without an endorsement under  
11 this section commits the offense of unendorsed sampling.

12 (f) Unendorsed sampling is a violation and is punishable by a fine of \$500.

13 (g) The holder of a manufacturer sampling endorsement who fails to comply  
14 with the requirements of (c) or (d) of this section commits the offense of failure to  
15 comply with the terms of a manufacturer sampling endorsement.

16 (h) Failure to comply with the terms of a manufacturer sampling endorsement  
17 is a violation.

18 **Sec. 04.09.420. Multiple fixed counter endorsement.** (a) A multiple fixed  
19 counter endorsement authorizes the holder of a beverage dispensary license or a  
20 beverage dispensary tourism license to sell or serve alcoholic beverages on the  
21 licensed premises from multiple fixed counters.

22 (b) The biennial fee for a multiple fixed counter endorsement is \$200.

23 (c) In addition to the fee under (b) of this section, the initial application fee for  
24 each fixed counter covered under the endorsement is \$1,250.

25 (d) An initial application for a multiple fixed counter endorsement must  
26 include an annotated drawing of the location of each fixed counter in the licensed  
27 premises.

28 (e) A fixed counter at which alcoholic beverages are sold or served to the  
29 public for consumption covered under a multiple fixed counter endorsement must be a  
30 regularly maintained fixed counter or service bar that has plumbing connections to  
31 permanent plumbing. Multiple fixed counters must be located in the same building

1 under the same contiguous licensed premises as set out in regulation, except as  
2 provided for the holder of a hotel or motel endorsement under AS 04.09.430 or a large  
3 resort endorsement under AS 04.09.440. The board shall adopt regulations to  
4 implement this subsection.

5 (f) The holder of a beverage dispensary license or a beverage dispensary  
6 tourism license who maintains multiple fixed counters without an endorsement under  
7 this section commits the offense of unendorsed service at multiple fixed counters.

8 (g) The holder of a multiple fixed counter endorsement who fails to comply  
9 with the requirements of (e) of this section commits the offense of multiple fixed  
10 counter endorsement noncompliance.

11 (h) Unendorsed service at multiple fixed counters is a violation and is  
12 punishable by a fine of \$500.

13 (i) Multiple fixed counter endorsement noncompliance is a violation.

14 **Sec. 04.09.430. Hotel or motel endorsement.** (a) A hotel or motel  
15 endorsement authorizes the holder of a beverage dispensary license or a beverage  
16 dispensary tourism license that is a hotel, motel, resort, or similar business premises  
17 that caters to the traveling public as a substantial part of its business to sell or serve  
18 alcoholic beverages on the licensed premises, including in a dining room, banquet  
19 room, and other public areas approved by the board, and in guest rooms.

20 (b) The biennial fee for a hotel or motel endorsement is \$200.

21 (c) The holder of a beverage dispensary license or a beverage dispensary  
22 tourism license that is a hotel, motel, resort, or similar business premises that caters to  
23 the traveling public as a substantial part of its business shall apply for a multiple fixed  
24 counter endorsement under AS 04.09.420 to sell or serve alcoholic beverages at a  
25 secondary location located in a building different than the licensed premises for the  
26 beverage dispensary license or a beverage dispensary tourism license if the different  
27 building

28 (1) is located on the same property as, adjacent to, or attached to the  
29 originally licensed premises;

30 (2) principally caters to guests of the hotel or motel; and

31 (3) principally encourages the tourism trade at the hotel or motel.

1 (d) The holder of a hotel or motel endorsement may stock alcoholic beverages  
2 in guest rooms, for sale and consumption only in the guest room. Alcoholic beverages  
3 stocked under this subsection must be stocked by an employee who is 21 years of age  
4 or older, may not be supplied or resupplied during hours that the sale of alcoholic  
5 beverages is prohibited as provided under AS 04.16.010(a) and (d), and must be stored  
6 in a unit using a key or combination lock system within the guest room. A key lock  
7 system must be designed to prevent the removal of the key unless the unit is locked.  
8 Except for the licensee, or an agent or employee of the licensee, a key or combination  
9 enabling a person to obtain alcoholic beverages stocked in a guest room may be  
10 provided only to a guest who occupies the room and who is 21 years of age or older.

11 (e) The holder of a hotel or motel endorsement shall exercise control over  
12 conduct of the business in all areas of the licensed premises.

13 (f) The holder of a beverage dispensary license or a beverage dispensary  
14 tourism license who engages in activity under this section without an endorsement  
15 under this section commits the offense of unendorsed hotel or motel service.

16 (g) The holder of a hotel or motel endorsement who fails to comply with the  
17 requirements of this section commits the offense of hotel or motel endorsement  
18 noncompliance.

19 (h) Unendorsed hotel or motel service is a violation and is punishable by a fine  
20 of \$500.

21 (i) Hotel or motel endorsement noncompliance is a violation.

22 **Sec. 04.09.440. Large resort endorsement.** (a) A large resort endorsement  
23 authorizes the holder of a beverage dispensary license or a beverage dispensary  
24 tourism license that is a large resort to sell or serve alcoholic beverages from multiple  
25 locations on the resort property to guests for consumption in areas on the site of the  
26 large resort, including a dining room, banquet room, guest room, open air venue, and  
27 ingress or egress route between those areas.

28 (b) The biennial fee for a large resort endorsement is \$200.

29 (c) The holder of a large resort endorsement shall apply for a multiple fixed  
30 counter endorsement under AS 04.09.420 to sell or serve alcoholic beverages from  
31 multiple locations within the large resort's property. The locations do not need to be

1 located in the same building or on the same parcel, but must be within the boundary of  
2 the large resort, as that term is defined in (h) of this section.

3 (d) The holder of a large resort endorsement may sell or serve alcoholic  
4 beverages only from locations on the site of the large resort.

5 (e) For federal income tax purposes, the profit and loss from the licensed  
6 business conducted at locations on the resort under a large resort endorsement, other  
7 than guest rooms, must be combined or consolidated with the profit and loss from the  
8 licensed business conducted under the multiple fixed counter endorsement.

9 (f) The holder of a large resort endorsement shall exercise control over  
10 conduct of the business in all areas of the licensed premises.

11 (g) A holder of a beverage dispensary license with a large resort endorsement  
12 may stock alcoholic beverages in guest rooms, for sale and consumption only in the  
13 guest room. Alcoholic beverages stocked under this subsection must be stocked by an  
14 employee who is 21 years of age or older, may not be supplied or resupplied during  
15 hours that the sale of alcoholic beverages is prohibited as provided under  
16 AS 04.16.010(a) and (d), and must be stored in a unit using a key or combination lock  
17 system within the guest room. A key lock system must be designed to prevent the  
18 removal of the key unless the unit is locked. Except for the licensee, or an agent or  
19 employee of the licensee, a key or combination enabling a person to obtain alcoholic  
20 beverages stocked in a guest room may be provided only to a guest who occupies the  
21 room and who is 21 years of age or older.

22 (h) In this section, "large resort" means a resort that offers both outdoor  
23 recreational activities and overnight lodging to the public and is located on a site  
24 consisting of at least 10 contiguous acres containing one or more parcels of real  
25 property owned by the licensee or leased by the licensee, or a combination of parcels  
26 owned by the licensee and leased by the licensee.

27 (i) The holder of a beverage dispensary license or a beverage dispensary  
28 tourism license who engages in activity for which a large resort endorsement is  
29 required under this section without an endorsement under this section commits the  
30 offense of unendorsed large resort service.

31 (j) The holder of a large resort endorsement who fails to comply with the

1 requirements of (c) - (g) of this section commits the offense of large resort  
2 endorsement noncompliance.

3 (k) Unendorsed large resort service is a violation and is punishable by a fine of  
4 \$500.

5 (l) Large resort endorsement noncompliance is a violation.

6 **Sec. 04.09.450. Restaurant endorsement.** (a) A restaurant endorsement  
7 authorizes the holder of a beverage dispensary license, fair license, golf course license,  
8 sporting activity or event license, club license, outdoor recreation lodge license,  
9 destination resort license, or beverage dispensary tourism license to allow a person

10 (1) under 21 years of age access as provided in (e) of this section to the  
11 premises of a bona fide restaurant on the licensed premises; and

12 (2) to enter or remain on the licensed premises to consume food or  
13 nonalcoholic beverages as authorized under AS 04.16.010(c)(5).

14 (b) The biennial fee for a restaurant endorsement is \$200.

15 (c) An application for a restaurant endorsement must specify the establishment  
16 or portion of the establishment that constitutes a bona fide restaurant.

17 (d) The board may issue an endorsement under this section only if the board  
18 finds

19 (1) that the establishment or portion of the establishment for which the  
20 endorsement is requested is a bona fide restaurant;

21 (2) there is supervision on the premises adequate to reasonably ensure  
22 that a person under 21 years of age will not obtain alcoholic beverages; and

23 (3) that it is unlikely that persons under 21 years of age not employed  
24 on the premises will enter and remain on the premises of the bona fide restaurant for  
25 purposes other than dining.

26 (e) The board may authorize the holder of a license with a restaurant  
27 endorsement

28 (1) to allow a person who is at least 16 years of age but under 21 years  
29 of age to enter and remain on the licensed premises for dining only;

30 (2) to allow a person who is under 16 years of age to enter and remain  
31 on the licensed premises for dining only if

1 (A) the person is accompanied by a person who is 21 years of  
2 age or older; and

3 (B) the parent or guardian of the person consents to the person  
4 being on the licensed premises; and

5 (3) subject to AS 04.16.049, to employ or permit the employment of a  
6 person who is at least 16 years of age but under 21 years of age on the premises of the  
7 bona fide restaurant if the employer provides adequate supervision to ensure that the  
8 person does not obtain alcoholic beverages.

9 (f) The holder of a license who engages in activity under this section without  
10 an endorsement under this section commits the offense of unendorsed restaurant  
11 service.

12 (g) The holder of a restaurant endorsement who engages in activity not  
13 authorized by the board under (e) of this section or fails to comply with the  
14 requirements of (e) of this section commits the offense of restaurant endorsement  
15 noncompliance.

16 (h) Unendorsed restaurant service is a violation and is punishable by a fine of  
17 \$500.

18 (i) Restaurant endorsement noncompliance is a violation.

19 **Sec. 04.09.460. Package store shipping endorsement.** (a) A package store  
20 shipping endorsement authorizes the holder of a package store license to sell alcoholic  
21 beverages to a person who makes an order to that licensee for shipment.

22 (b) The biennial fee for a package store shipping endorsement is \$200.

23 (c) An endorsement holder may ship alcoholic beverages only to the purchaser  
24 and may ship alcoholic beverages only in response to an order. The endorsement  
25 holder may not, in response to an order, ship alcohol to a purchaser at an address other  
26 than the address where the purchaser resides or, if the purchaser resides in a  
27 municipality or established village that has adopted a local option under  
28 AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) for which a community delivery site has  
29 been designated under AS 04.11.491(f), to an address other than that community  
30 delivery site except as provided by AS 04.11.491(f)(1) and (2).

31 (d) An endorsement holder shall provide written or electronic information on

1 fetal alcohol syndrome and fetal alcohol effects resulting from a woman's  
2 consumption of alcohol during pregnancy to the purchaser in response to an order.

3 (e) If a shipment is to an area that has restricted the sale of alcoholic beverages  
4 under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), an endorsement holder may not  
5 ship to a purchaser more than 10.5 liters of distilled spirits or 24 liters or more of wine,  
6 or either a half-barrel keg of brewed beverages or 12 gallons or more of brewed  
7 beverages in individual containers in a calendar month, or a lower amount of distilled  
8 spirits, wine, or brewed beverages if the municipality or established village has  
9 adopted the lower amount by local option under AS 04.11.491(g). Before shipping  
10 alcohol to a purchaser in a restricted area, an endorsement holder shall consult the  
11 database maintained by the board under AS 04.06.095 for any alcoholic beverage  
12 shipments made to the purchaser during that calendar month by a package store. An  
13 endorsement holder may not ship an amount of alcoholic beverages to a purchaser in a  
14 restricted area that, when added to the amount already shipped, exceeds the amount  
15 authorized by this subsection. An endorsement holder shall immediately enter into the  
16 database the date and the amount of alcoholic beverages shipped to the purchaser.

17 (f) An endorsement holder may not divide or combine shipments of alcoholic  
18 beverages so as to circumvent the limitation imposed under (e) of this section.

19 (g) In this section, "endorsement holder" means the holder of a package store  
20 license with a package store shipping endorsement, and an agent or employee of the  
21 holder of a package store license with a package store shipping endorsement.

22 (h) The holder of a package store license who ships alcoholic beverages  
23 without an endorsement under this section commits the offense of unendorsed package  
24 store shipping.

25 (i) The holder of a package store shipping endorsement who fails to comply  
26 with the requirements of (c) - (f) of this section commits the offense of package store  
27 shipping endorsement noncompliance.

28 (j) Unendorsed package store shipping is a violation and is punishable by a  
29 fine of \$500.

30 (k) Package store shipping endorsement noncompliance is a violation.

31 **Sec. 04.09.470. Package store delivery endorsement.** (a) A package store

1 delivery endorsement authorizes the holder of a package store license to deliver  
2 alcoholic beverages to the location of a social event as set out in this section. For  
3 purposes of this subsection, the board shall define by regulation the term "social  
4 event."

5 (b) The biennial fee for a package store delivery endorsement is \$200.

6 (c) The holder of a package store delivery endorsement may deliver alcoholic  
7 beverages only in response to an order. The board shall adopt regulations specifying  
8 the occasions for which delivery of alcoholic beverages is allowed and the manner of  
9 delivery by the licensee.

10 (d) The holder of a package store delivery endorsement may deliver alcoholic  
11 beverages only to a responsible adult at the delivery location specified on the order.  
12 The responsible adult shall provide identification and acceptable proof of age under  
13 AS 04.21.050 and acknowledge in writing receipt of the alcoholic beverages.

14 (e) The holder of a package store license who delivers alcoholic beverages  
15 without an endorsement under this section commits the offense of unendorsed package  
16 store delivery.

17 (f) The holder of a package store delivery endorsement who fails to comply  
18 with the requirements of (c) and (d) of this section commits the offense of package  
19 store delivery endorsement noncompliance.

20 (g) Unendorsed package store delivery is a violation and is punishable by a  
21 fine of \$500.

22 (h) Package store delivery endorsement noncompliance is a violation.

23 **Sec. 04.09.480. Package store repackaging endorsement.** (a) A package  
24 store repackaging endorsement authorizes the holder of a package store license to  
25 subdivide and sell alcoholic beverages from original packages with federally  
26 compliant labels to smaller containers with the standard federal government warnings  
27 and the product name.

28 (b) The biennial fee for a package store repackaging endorsement is \$200.

29 (c) A package store licensee with a package store repackaging endorsement  
30 may

31 (1) subdivide alcoholic beverages

1 (A) for sale on the licensed premises by opening the original  
2 package for the purpose of subdividing the contents into smaller packages; or

3 (B) in response to a purchase request from a person who is on  
4 the licensed premises or purchase order submitted in accordance with  
5 AS 04.09.470(c);

6 (2) permit an agent or employee to subdivide alcoholic beverages, but  
7 may not permit a customer or another person who is not an agent or employee of the  
8 licensee to subdivide alcoholic beverages.

9 (d) The holder of a package store license who repackages alcoholic beverages  
10 without an endorsement under this section commits the offense of unendorsed package  
11 store repackaging.

12 (e) The holder of a package store repackaging endorsement who fails to  
13 comply with the requirements of this section commits the offense of package store  
14 repackaging endorsement noncompliance.

15 (f) Unendorsed package store repackaging is a violation and is punishable by a  
16 fine of \$500.

17 (g) Package store repackaging endorsement noncompliance is a violation.

18 **Sec. 04.09.490. Package store sampling endorsement.** (a) A package store  
19 sampling endorsement authorizes the holder of a package store license to offer for  
20 consumption on the licensed premises at no charge a small sample of an alcoholic  
21 beverage from its inventory during the package store's stated hours of business, but not  
22 between the hours of midnight and 8:00 a.m.

23 (b) The biennial fee for a package store sampling endorsement is \$200.

24 (c) Only the license holder or an agent or employee of the license holder may  
25 serve a sample.

26 (d) The holder of a package store sampling endorsement may serve a total  
27 volume of samples to a person on a licensed premises each day that does not exceed

28 (1) 12 ounces of beer or mead or cider, if the mead or cider contains  
29 less than 8.5 percent alcohol by volume;

30 (2) six ounces of wine, sake, or mead or cider, if the mead or cider  
31 contains 8.5 percent or more alcohol by volume;

1 (3) 1.5 ounces of distilled spirits; or

2 (4) the alcoholic equivalent of (1), (2), or (3) of this subsection.

3 (e) The holder of a package store sampling endorsement may not publicly  
4 advertise, including through printed news, radio, or television, sampling activities  
5 conducted under the endorsement. However, the holder of a package store sampling  
6 endorsement may notify existing customers of sampling activities, including by  
7 electronic means.

8 (f) A person who offers a sample of an alcoholic beverage for consumption on  
9 the licensed premises of a package store without an endorsement under this section  
10 commits the offense of unendorsed package store sampling.

11 (g) Unendorsed package store sampling is a violation and is punishable by a  
12 fine of \$500.

13 (h) The holder of a package store sampling endorsement who fails to comply  
14 with the requirements of (a) and (c) - (e) of this section commits the offense of failure  
15 to comply with the terms of a package store sampling endorsement.

16 (i) Failure to comply with the terms of a package store sampling endorsement  
17 is a violation.

18 **Sec. 04.09.500. Bowling alley endorsement.** (a) A bowling alley endorsement  
19 authorizes the holder of a beverage dispensary license or a beverage dispensary  
20 tourism license to sell or serve alcoholic beverages in the concourse or lane areas of  
21 the bowling alley adjacent to the main bar area.

22 (b) The biennial fee for a bowling alley endorsement is \$200.

23 (c) The board may issue a bowling alley endorsement only if the concourse or  
24 lane areas of the bowling alley or both are

25 (1) designated as part of the licensed premises for the beverage  
26 dispensary license or a beverage dispensary tourism license; and

27 (2) adjacent to the main bar area.

28 (d) Notwithstanding AS 04.16.049, the board may, upon application, authorize  
29 access by persons under 21 years of age to the concourse or lane areas or both that are  
30 designated part of the licensed premises of the bowling alley during hours when no  
31 alcoholic beverages are being sold, served, or consumed.

1 (e) The periods during which persons under 21 years of age may be permitted  
2 access to the licensed premises must be clearly posted on the licensed premises.

3 (f) The holder of a beverage dispensary license or a beverage dispensary  
4 tourism license who sells or serves alcoholic beverages in the concourse or lane areas  
5 of a bowling alley without an endorsement under this section commits the offense of  
6 unendorsed bowling alley service.

7 (g) The holder of a bowling alley endorsement under this section who fails to  
8 comply with the requirements of (e) of this section or who permits access by a person  
9 under 21 years of age to the concourse or lane areas of the bowling alley during hours  
10 when alcoholic beverages are being served in the concourse or lane areas commits the  
11 offense of bowling alley endorsement noncompliance.

12 (h) Unendorsed bowling alley service is a violation and is punishable by a fine  
13 of \$500.

14 (i) Bowling alley endorsement noncompliance is a violation.

15 **Sec. 04.09.510. Golf course endorsement.** (a) A golf course endorsement  
16 authorizes the owner of a golf course who has obtained a beverage dispensary license  
17 or a beverage dispensary tourism license to sell or serve alcoholic beverages on the  
18 golf course, driving range, club house and other buildings located on the course, and a  
19 vending cart carrying beverages or food to, from, or on the course, excluding the  
20 parking lot.

21 (b) The biennial fee for a golf course endorsement is \$200.

22 (c) An application for a golf course endorsement must include a drawing of  
23 the golf course with an annotated illustration and a description of the portions of the  
24 course that are licensed premises and that are intended to be covered by the  
25 endorsement.

26 (d) The holder of a beverage dispensary license or beverage dispensary  
27 tourism license who sells or serves alcoholic beverages on a golf course without an  
28 endorsement under this section commits the offense of unendorsed golf course service.

29 (e) The holder of a golf course endorsement who fails to comply with (a) of  
30 this section commits the offense of golf course endorsement noncompliance.

31 (f) Unendorsed golf course service is a violation and is punishable by a fine of

1 \$500.

2 (g) Golf course endorsement noncompliance is a violation.

3 **Sec. 04.09.520. Brewery repackaging endorsement.** (a) A brewery  
4 repackaging endorsement authorizes the holder of a brewery manufacturer license who  
5 held a license to operate a brewpub under former AS 04.11.135 and was operating a  
6 brewpub on the day before the effective date of this section and who also holds,  
7 wholly or in part, a beverage dispensary license, beverage dispensary tourism license,  
8 restaurant or eating place license, or a seasonal restaurant or eating place tourism  
9 license to offer the holder's brewed beverages for sale for consumption off the licensed  
10 premises and to subdivide and sell the holder's brewed beverages from original  
11 packages with federally compliant labels to smaller containers with the standard  
12 federal government warnings and the product name.

13 (b) The biennial fee for a brewery repackaging endorsement is \$200.

14 (c) A brewery manufacturer licensee with a brewery repackaging endorsement  
15 (1) is authorized to sell, each day, to a person on the licensed premises  
16 for consumption off the licensed premises, not more than 5.167 gallons of the holder's  
17 beer or sake;

18 (2) may permit an agent or employee to subdivide the holder's brewed  
19 beverages, but may not permit a customer or another person who is not an agent or  
20 employee of the licensee to subdivide the holder's brewed beverages.

21 (d) In this section, "licensed premises" means a premises licensed under a  
22 beverage dispensary license, beverage dispensary tourism license, restaurant or eating  
23 place license, or a seasonal restaurant or eating place tourism license that is controlled  
24 by a brewery manufacturer licensee.

25 (e) The holder of a brewery manufacturer license who repackages brewed  
26 beverages without an endorsement under this section or a brewery retail license under  
27 AS 04.09.320 commits the offense of unendorsed brewery repackaging.

28 (f) The holder of a brewery repackaging endorsement who fails to comply  
29 with the requirements of this section commits the offense of brewery repackaging  
30 endorsement noncompliance.

31 (g) Unendorsed brewery repackaging is a violation, punishable by a fine of

1 \$500.

2 (h) Brewery repackaging endorsement noncompliance is a violation.

3 **Article 6. Permits.**

4 **Sec. 04.09.600. Types of permits.** (a) A permit allows catering and serving  
5 activities for a specific period on a single specified premises and allows an eligible  
6 nonprofit organization to host a fundraising or not-for-profit event.

7 (b) The director may issue only the permits authorized in AS 04.09.600 -  
8 04.09.690. An application for a permit must be received by the director not less than  
9 three business days before the first day of the event. Except for a conditional  
10 contractor's permit issued under AS 04.09.690, the director shall require every person  
11 who will serve or sell alcohol or check identification of a patron during a permitted  
12 event to complete an alcohol server education course under AS 04.21.025 before the  
13 first day of the permitted event.

14 (c) An applicant for a permit must follow the application requirements set out  
15 in AS 04.11.260.

16 (d) A permit, other than an inventory resale permit under AS 04.09.680 and a  
17 conditional contractor's permit under AS 04.09.690, is valid only on the premises, for  
18 the event, and for the period specified.

19 (e) The holder of an approved permit may submit a written request for  
20 amendment of the approved permit to change the event date, site, designated area, or  
21 designated time. The holder of the approved permit shall submit the request to the  
22 director not later than three business days before the event and shall include approval  
23 of the law enforcement agency having jurisdiction over the site of the event for which  
24 the amended permit is sought.

25 (f) The holder of an approved permit shall ensure that the individuals serving  
26 alcohol have completed alcohol server training as required under AS 04.21.025 before  
27 the first day of the permitted event.

28 (g) A permit may not be transferred to another person or another location and,  
29 except for a conditional contractor's permit under AS 04.09.690, may not be renewed.

30 (h) Except as otherwise provided in AS 04.09.680 for an inventory resale  
31 permit and AS 04.09.690 for a conditional contractor's permit, the fee for a permit

1 shall be set by the board in regulation. The fee must be at least \$50 for each day of the  
2 event.

3 (i) The director shall approve or deny a permit application. If the director  
4 denies a permit application, the applicant may appeal to the board.

5 **Sec. 04.09.610. Beverage dispensary caterer's permit.** A beverage  
6 dispensary caterer's permit authorizes the holder of a beverage dispensary license or  
7 beverage dispensary tourism license to sell or dispense alcoholic beverages at  
8 conventions, picnics, sporting activities or events, concerts, street festivals, or similar  
9 affairs held off the holder's licensed premises for which a beverage dispensary license  
10 or beverage dispensary tourism license would not otherwise be required. The permit  
11 may be issued only for designated premises for a specific occasion and for a limited  
12 period.

13 **Sec. 04.09.620. Restaurant caterer's dining permit.** (a) A restaurant caterer's  
14 dining permit authorizes the holder of a restaurant or eating place license or a seasonal  
15 restaurant or eating place tourism license to sell brewed beverages and wine before  
16 and during the service of food provided by the licensee at a single dining event held  
17 off the holder's licensed premises.

18 (b) The director may issue a restaurant caterer's dining permit only for  
19 designated premises for a specific occasion and for a limited period.

20 (c) The licensee shall provide food in conjunction with the service of brewed  
21 beverages and wine under a restaurant caterer's dining permit. The licensee shall  
22 comply with the requirements for gross receipts from food sales for a restaurant or  
23 eating place license under AS 04.09.210(e) or a seasonal restaurant or eating place  
24 tourism license under AS 04.09.360(g).

25 **Sec. 04.09.630. Club caterer's permit.** (a) A club caterer's permit authorizes  
26 the holder of a club license to sell or dispense alcoholic beverages at an event held off  
27 the club's licensed premises.

28 (b) The application for a club caterer's permit filed under AS 04.11.260 must  
29 be signed by two officers of the organization.

30 (c) A restriction or prohibition under AS 04.09.220 regarding a club member  
31 or a guest of a club member applies at the premises covered by the permit.

1 (d) The director may not issue more than three club caterer's permits to the  
2 holder of a club license in a calendar year.

3 **Sec. 04.09.640. Art exhibit event permit.** (a) An art exhibit event permit  
4 authorizes the holder of a beverage dispensary license, a beverage dispensary tourism  
5 license, a restaurant or eating place license, or a seasonal restaurant or eating place  
6 tourism license to sell and serve brewed beverages and wine for consumption at a  
7 specific art exhibit event.

8 (b) The director may issue an art exhibit event permit only for a specific art  
9 exhibit event at premises designated in the application, for a limited period specified  
10 in the application.

11 (c) The director may not grant more than 12 art exhibit event permits to a  
12 licensee in a calendar year.

13 (d) An art exhibit event permit may not be exercised during an event that is  
14 expected to attract attendees under 21 years of age.

15 (e) Food must be provided in conjunction with the service of brewed  
16 beverages and wine under an art exhibit event permit.

17 **Sec. 04.09.645. Music festival permit.** (a) A music festival permit authorizes  
18 the holder of a restaurant or eating place license to sell or dispense beer and wine for  
19 consumption at a festival with multiple live music performances held off the holder's  
20 licensed premises.

21 (b) The board may issue a music festival permit to the holder of a restaurant or  
22 eating place license only if the licensed premises of the restaurant or eating place is  
23 located in the unorganized borough.

24 (c) The board may issue a music festival permit only for  
25 (1) a designated premises and for a limited period, not to exceed four  
26 calendar days;

27 (2) a music festival that has existed at the same location for a period of  
28 at least 10 years before the application for the permit is filed; and

29 (3) a music festival that is located in the unorganized borough.

30 (d) The board may not issue more than one music festival permit to the holder  
31 of a restaurant or eating place license in a calendar year.

1           **Sec. 04.09.650. Nonprofit organization event permit.** (a) A nonprofit  
2 organization event permit authorizes the holder to sell or dispense brewed beverages  
3 or wine for consumption at an event organized by the nonprofit organization.

4           (b) Only a nonprofit organization, such as a fraternal, civic, professional, or  
5 patriotic organization, that is incorporated under AS 10.20 and has been active for a  
6 period of at least two years before filing an application is eligible for a nonprofit  
7 organization event permit.

8           (c) The application for a nonprofit organization event permit filed under  
9 AS 04.11.260 must be signed by two officers of the organization. The nonprofit  
10 organization shall submit, together with the application,

11                   (1) either a signed copy of a resolution adopted by the board of  
12 directors or a copy of the minutes from a board meeting of the nonprofit organization  
13 authorizing the application; and

14                   (2) a sworn affidavit showing the length of time the organization has  
15 been in existence.

16           (d) The director may not issue more than five nonprofit organization event  
17 permits to a nonprofit organization, including an auxiliary of the organization, in a  
18 calendar year. A nonprofit organization event permit may be issued only for  
19 designated premises for a specific occasion and for a limited period as specified in the  
20 application.

21           (e) The nonprofit organization shall ensure that all profits derived from the  
22 sale of brewed beverages or wine under a nonprofit organization event permit are paid  
23 to the organization that holds the permit and not to an individual.

24           **Sec. 04.09.660. Alcoholic beverage auction permit.** (a) An alcoholic  
25 beverage auction permit authorizes the holder to sell alcoholic beverages by outcry,  
26 silent, or online auction. An alcoholic beverage auction permit is sufficient to  
27 authorize a nonprofit organization under (b) of this section to sell alcoholic beverages  
28 by outcry, silent, or online auction, and no other permit or license is required. An  
29 alcoholic beverage auction permit may be operated on the licensed premises of a  
30 beverage dispensary license, beverage dispensary tourism license, club license,  
31 restaurant or eating place license, or seasonal restaurant or eating place license.

1 (b) Only a nonprofit organization, such as a fraternal, civic, professional, or  
2 patriotic organization, that is incorporated under AS 10.20 and has been active for a  
3 period of at least two years before filing an application is eligible for an alcoholic  
4 beverage auction permit.

5 (c) The application for an alcoholic beverage auction permit filed under  
6 AS 04.11.260 must be signed by two officers of the organization. The nonprofit  
7 organization shall submit, together with the application,

8 (1) either a signed copy of a resolution adopted by the board of  
9 directors or a copy of the minutes of a board meeting of the nonprofit organization  
10 authorizing the application; and

11 (2) a sworn affidavit showing the length of time the organization has  
12 been in existence.

13 (d) The director may not issue more than five alcoholic beverage auction  
14 permits to a nonprofit organization, including an auxiliary of the organization, in a  
15 calendar year. The director may issue a permit only for designated premises for a  
16 specific event and for a limited period as specified in the application.

17 (e) The nonprofit organization shall ensure that all profits derived from the  
18 sale of brewed beverages or wine under an alcoholic beverage auction permit are paid  
19 to the organization that holds the permit and not to an individual.

20 (f) The nonprofit organization may not permit consumption at the auction site  
21 of the alcoholic beverages being auctioned under an alcoholic beverage auction  
22 permit.

23 **Sec. 04.09.670. Package store tasting event permit.** (a) A package store  
24 tasting event permit authorizes the holder of a package store license to sell or dispense  
25 alcoholic beverages at a tasting event held on the licensed premises, or unlicensed  
26 areas of the property where the package store is located, excluding the parking lot.

27 (b) A tasting event must be for the purpose of promoting products available  
28 for purchase from the package store licensee; only products sold by the package store  
29 licensee may be sold or dispensed at the event.

30 (c) The director may issue a package store tasting event permit only for a  
31 specific tasting event at premises designated in the application for a limited period

1 specified in the application.

2 (d) The director may not issue more than six package store tasting event  
3 permits in a calendar year to a package store licensee. If a person holds two or more  
4 package store licenses, then the director shall treat each license as separate and distinct  
5 when applying the limitation under this subsection, regardless of how many other  
6 licenses the person holds, wholly or in part.

7 (e) The director may not issue a package store tasting event permit for a period  
8 that

9 (1) is longer than four hours;

10 (2) ends later than 9:00 p.m.

11 (f) Food must be provided in conjunction with the service of alcoholic  
12 beverages under a package store tasting event permit.

13 **Sec. 04.09.680. Inventory resale permit.** (a) An inventory resale permit  
14 authorizes the holder to sell the remaining inventory of alcoholic beverages of a  
15 business when the owner of the business no longer has a valid license under this title.

16 (b) The fee for an inventory resale permit is \$100.

17 (c) The holder of an inventory resale permit may sell the remaining alcoholic  
18 beverage inventory only to the holder of a valid license under this chapter.

19 (d) The director may issue an inventory resale permit for a period ending 90  
20 days after the date of expiration or forfeiture of the license. The director may not issue  
21 a permit if the license was suspended or revoked.

22 **Sec. 04.09.685. Live music or entertainment permit.** (a) A live music or  
23 entertainment permit authorizes the holder of a brewery retail license, winery retail  
24 license, or distillery retail license to allow live music or other entertainment on the  
25 licensed premises where consumption occurs.

26 (b) The director may not issue more than four live music or entertainment  
27 permits to a licensee in a calendar year. The director may issue a live music or  
28 entertainment permit only for designated premises for a specific occasion and for a  
29 limited period during a single day between the hours of 9:00 a.m. and 9:00 p.m., as  
30 specified in the application.

31 **Sec. 04.09.690. Conditional contractor's permit.** (a) A conditional

1 contractor's permit authorizes the holder to sell brewed beverages or wine for  
2 consumption only on designated premises for the designated period of the permit  
3 under AS 04.11.680 at construction sites that are located outside a city and inside the  
4 boundaries of a military or naval reservation.

5 (b) The biennial conditional contractor's permit fee is \$1,250.

6 (c) An applicant for a conditional contractor's permit must obtain and file with  
7 the board written permission from the commanding officer of the military or naval  
8 reservation and the prime contractor of the remotely situated project for the conduct of  
9 the activities authorized by the permit. A conditional contractor's permit may be  
10 renewed biennially upon reapplication for a permit and may be revoked or suspended  
11 at the discretion of the commanding officer or the prime contractor.

12 (d) A conditional contractor's permit may not be transferred and is not valid  
13 after the completion of the holder's contract or the closing of the military or naval  
14 reservation.

15 **Sec. 04.09.700. Failure to comply with a permit requirement.** (a) A person  
16 who engages in activity that requires a permit under AS 04.09.600 - 04.09.690 without  
17 having a permit and a person who violates the terms of a permit issued under  
18 AS 04.09.600 - 04.09.690 commits the offense of failure to comply with a permit  
19 requirement.

20 (b) Except as provided in (c) of this section, failure to comply with a permit  
21 requirement is a violation.

22 (c) Failure to comply with a permit requirement of an inventory resale permit  
23 under AS 04.09.680 or a conditional contractor's permit under AS 04.09.690 is a  
24 violation punishable by a fine of \$500.

## 25 **Article 7. Common Carrier Approval.**

26 **Sec. 04.09.750. Common carrier approval.** (a) A common carrier may not  
27 transport or deliver alcoholic beverages to a person in the state unless the board has  
28 approved the common carrier under (b) of this section.

29 (b) A common carrier may apply to the board, on a form prescribed by the  
30 board, for approval to transport and deliver alcoholic beverages to persons in the state.  
31 The board shall approve an application if the common carrier certifies that it will meet

1 the requirements under (c) and (d) of this section.

2 (c) A common carrier delivering alcoholic beverages to a person in the state  
3 shall ensure that the package containing alcoholic beverages is delivered directly to a  
4 person who

5 (1) presents identification and acceptable proof of age under  
6 AS 04.21.050 showing that the person is 21 years of age or older; and

7 (2) provides a signature acknowledging that the person received the  
8 package.

9 (d) A common carrier approved by the board under (b) of this section shall  
10 make records of shipments of alcoholic beverages to persons in the state available for  
11 inspection and audit by the board. The board may require periodic reporting of  
12 approved common carriers on a form prescribed by the board.

13 (e) The board shall maintain, periodically review, and make available for  
14 public inspection a list of approved common carriers for transport and delivery of  
15 alcoholic beverages to persons in the state.

16 (f) The board may remove a previously approved common carrier from the list  
17 if the common carrier transports or delivers alcoholic beverages in violation of (c) or  
18 (d) of this section.

19 (g) In this section,

20 (1) "common carrier" means a motor vehicle, watercraft, aircraft, or  
21 railroad car available for public hire to transport freight or passengers;

22 (2) "transport" has the meaning given in AS 04.11.499(c).

23 (h) A common carrier that has not been approved by the board to transport and  
24 deliver alcoholic beverages and that transports or delivers alcoholic beverages into or  
25 within the state commits the offense of unapproved common carrier transport or  
26 delivery of alcoholic beverages.

27 (i) An approved common carrier that violates a provision under (c) or (d) of  
28 this section commits the offense of common carrier noncompliance for transport or  
29 delivery of alcoholic beverages.

30 (j) Unapproved common carrier transport or delivery of alcoholic beverages is  
31 a violation and is punishable by a fine of \$500.

1 (k) Common carrier noncompliance for transport or delivery of alcoholic  
2 beverages is a violation.

3 **Article 8. Prohibited Acts.**

4 **Sec. 04.09.850. Unlicensed retail sale.** (a) A person commits the crime of  
5 unlicensed retail sale if the person knowingly operates without the appropriate license  
6 a retail operation that requires a license under this chapter.

7 (b) Unlicensed retail sale is a class A misdemeanor.

8 \* **Sec. 14.** AS 04.11.010(a) is amended to read:

9 (a) Except as provided in AS 04.11.020, a person may not knowingly

10 **(1)** [MANUFACTURE, SELL, OFFER FOR SALE,] possess for  
11 [SALE OR] barter, traffic in, or barter an alcoholic beverage unless under license or  
12 permit issued under this title; or

13 **(2) manufacture an alcoholic beverage, sell an alcoholic beverage,**  
14 **offer an alcoholic beverage for sale, or possess an alcoholic beverage for sale in an**  
15 **area that has adopted a local option under AS 04.11.491 unless under license or**  
16 **permit issued under this title.**

17 \* **Sec. 15.** AS 04.11.010(b) is amended to read:

18 (b) Except as provided in this subsection, a person may not solicit or receive  
19 orders for the delivery of an alcoholic beverage in an area that has adopted a local  
20 option under AS 04.11.491. If the area has adopted a local option under  
21 AS 04.11.491(a)(1), (2), or (3) [,] or (b)(1) or (2), a package store licensee outside of  
22 that local option area may receive orders as provided under **a package store shipping**  
23 **endorsement under AS 04.09.460** [AS 04.11.150] but may not solicit in that area or  
24 receive orders through an agent or employee in that area. This subsection does not  
25 apply to a package store licensee who operates a package store in an area that has  
26 adopted a local option under AS 04.11.491(a)(2)(C) or (3)(C) or (b)(2)(C). A person  
27 who violates this subsection is punishable upon conviction as provided under  
28 AS 04.16.200(a) or (b).

29 \* **Sec. 16.** AS 04.11.010(c) is amended to read:

30 (c) Unless a municipality or established village has adopted a more restrictive  
31 local option under AS 04.11.491(g), in a criminal prosecution for possession of

1 alcoholic beverages for **barter or** sale in violation of (a) of this section, **AS 04.09.060,**  
2 **04.09.140, or 04.09.850,** the fact that a person

3 (1) possessed more than 10 1/2 liters of distilled spirits or 24 liters or  
4 more of wine, or either a **half-barrel keg** [HALF-KEG] of **brewed** [MALT]  
5 beverages or 12 gallons or more of **brewed** [MALT] beverages in individual  
6 containers in an area where the sale of alcoholic beverages is restricted or prohibited  
7 under AS 04.11.491 creates a presumption that the person possessed the alcoholic  
8 beverages for **barter or** sale;

9 (2) sends, transports, or brings more than 10 1/2 liters of distilled  
10 spirits or 24 liters or more of wine, or either a **half-barrel keg** [HALF-KEG] of  
11 **brewed** [MALT] beverages or 12 gallons or more of **brewed** [MALT] beverages in  
12 individual containers to an area where the sale of alcoholic beverages is restricted or  
13 prohibited under AS 04.11.491 creates a presumption that the person sent, transported,  
14 or brought the alcoholic beverages for **barter or** sale in the area.

15 \* **Sec. 17.** AS 04.11.015 is amended to read:

16 **Sec. 04.11.015. Purchase from nonlicensee prohibited.** (a) A person may not  
17 purchase **or barter for** alcoholic beverages from a person who is not a licensee,  
18 permittee, or an agent or employee of a licensee or permittee.

19 (b) A person who violates **(a) of** this section is guilty of a violation.

20 \* **Sec. 18.** AS 04.11.030(b) is amended to read:

21 (b) If an application for the transfer of ownership of a license from a deceased  
22 licensee is not made within **180** [90] days of the death of the licensee or within an  
23 additional 90 days if an application for transfer of ownership made by the executor is  
24 denied, or no petition is made to the board for an extension of time under (c) of this  
25 section within the time, the license is forfeited.

26 \* **Sec. 19.** AS 04.11.040 is amended by adding new subsections to read:

27 (d) A person who transfers a license or permit or a controlling interest in a  
28 license or permit in violation of this section commits the offense of unauthorized  
29 transfer of an alcoholic beverage license or permit.

30 (e) Unauthorized transfer of an alcoholic beverage license or permit is a  
31 violation.

1 \* **Sec. 20.** AS 04.11.045 is amended by adding new subsections to read:

2 (c) A limited liability organization that fails to report as required under (a) of  
3 this section commits the offense of failure to report a change in member interest or  
4 manager.

5 (d) Failure to report a change in member interest or manager is a violation.

6 \* **Sec. 21.** AS 04.11.050 is amended by adding new subsections to read:

7 (d) A corporation that fails to report as required under (a) of this section, other  
8 than a corporation described in (c) of this section, commits the offense of failure to  
9 report a stock transfer or change of officers or board members.

10 (e) Failure to report a stock transfer or change of officers or board members is  
11 a violation.

12 \* **Sec. 22.** AS 04.11.055 is amended by adding new subsections to read:

13 (c) A partnership that fails to report as required under (a) of this section  
14 commits the offense of failure to report a transfer of partnership interest or change of  
15 general partner.

16 (d) Failure to report a transfer of partnership interest or change of general  
17 partner is a violation.

18 \* **Sec. 23.** AS 04.11.060 is amended to read:

19 **Sec. 04.11.060. Nonresident distiller, brewer, winery, or wholesaler.** A  
20 distiller, brewer, winery, or wholesaler whose plant or principal place of business is  
21 outside the state may not sell products directly to licensees in the state without

22 (1) obtaining a general wholesale license under **AS 04.09.100**  
23 [AS 04.11.160(a)] for each wholesale distributing point in the state;

24 (2) appointing an agent upon whom process can be served; and

25 (3) obtaining other applicable licenses under the provisions of this title.

26 \* **Sec. 24.** AS 04.11.060 is amended by adding a new subsection to read:

27 (b) A person who violates (a) of this section is guilty of a class A  
28 misdemeanor.

29 \* **Sec. 25.** AS 04.11.260 is amended to read:

30 **Sec. 04.11.260. Application for new license, endorsement, or permit.** (a) An  
31 applicant for a new license, **endorsement**, or permit shall file with the director a

1 written application, signed and sworn to by the applicant, giving the applicant's name,  
2 **mailing address, telephone number,** and **electronic mail** address. If the applicant is  
3 a corporation, the application shall be executed by **an** [THE] authorized **officer**  
4 [OFFICERS] of the corporation. If the applicant is a partnership, including a limited  
5 partnership, the application shall be executed by an authorized general partner. The  
6 application must include

7 (1) the type of license, **endorsement,** or permit desired;

8 (2) a description of the premises for which the license, **endorsement,**  
9 or permit is desired, giving the address by street and number, or other information, so  
10 that the location of the premises can be definitely determined;

11 (3) **an annotated illustration of the premises designating the areas**  
12 **for manufacture, storage, service, and consumption of alcoholic beverages and,**  
13 **for a license application, the area for warehousing of the alcoholic beverages;**

14 (4) the license, **endorsement, or permit** fee **and, for a multiple fixed**  
15 **counter endorsement, the application fee for each counter;**

16 (5) [(4)] the duration of the license, **endorsement,** or permit desired,  
17 **including, for a permit, a statement of the event dates and the specific hours of**  
18 **intended operation;**

19 (6) [(5)] any other information required by the board.

20 (b) A corporation applying for a license or **conditional contractor's** permit  
21 **under AS 04.09.690** shall provide the names and addresses of the president, vice-  
22 president, secretary, managing officer, and all stockholders who own 10 percent or  
23 more of the stock in the corporation, together with any other information required by  
24 the board.

25 (c) An applicant for a new license or permit must include with the application

26 (1) proof that notice required by AS 04.11.310, **if any,** has been given;

27 (2) any petitions required to be secured under AS 04.11.460 before a  
28 license may be issued;

29 (3) evidence of any approval by public authorities required to be  
30 obtained [UNDER AS 04.11.090(e), 04.11.220(c), 04.11.230(b), 04.11.240(b), OR  
31 04.11.250(b),] before a license or permit may be issued, **including**

1                    (A) written approval under AS 04.09.240 from the  
2                    governing body of a college or university for a pub license;

3                    (B) approval under AS 04.11.365 for a restaurant or eating  
4                    place license in a multi-unit residential housing development owned or  
5                    financed by the Alaska Housing Finance Corporation;

6                    (C) permission from the commanding officer and the prime  
7                    contractor for a conditional contractor's permit under AS 04.09.690;

8                    (D) for a permit other than a conditional contractor's  
9                    permit, approval of the law enforcement agency having jurisdiction over  
10                   the site of the event for which the permit is sought.

11                   (d) A partnership, including a limited partnership, that applies for a license or  
12                   conditional contractor's permit under AS 04.09.690 shall provide information  
13                   required by the board including the names and addresses of all general partners and all  
14                   partners with an interest of 10 percent or more.

15                   (e) A limited liability organization that applies for a license or conditional  
16                   contractor's permit under AS 04.09.690 shall provide information required by the  
17                   board, including the names and addresses of all members with an ownership interest of  
18                   10 percent or more and the names and addresses of all managers.

19                   \* **Sec. 26.** AS 04.11.260 is amended by adding a new subsection to read:

20                   (f) This section does not apply to a manufacturer direct shipment license  
21                   issued under AS 04.09.370.

22                   \* **Sec. 27.** AS 04.11.270 is amended to read:

23                   **Sec. 04.11.270. Application for renewal of license, license with one or more**  
24                   **endorsements, or conditional contractor's permit.** (a) An application for renewal of  
25                   a license, license with one or more endorsements, or [RENEWAL OF A]  
26                   conditional contractor's permit under AS 04.09.690 must include

27                   (1) the information required for a new license, endorsement, or permit  
28                   under AS 04.11.260 except that proof of notice under AS 04.11.310 is not required;  
29                   and

30                   (2) a list of all convictions of the applicant of violations of this title, a  
31                   regulation adopted under this title, or an ordinance adopted under AS 04.21.010, that

1 occurred in the preceding two calendar years.

2 (b) A license, license with one or more endorsements, or permit shall be  
3 renewed as follows:

4 (1) on or before November 1, the director shall mail a renewal  
5 application to each licensee whose license, license with one or more endorsements,  
6 or permit, unless renewed, will expire on December 31 of that year; the application  
7 shall be mailed to the licensee or permittee [AT THE LICENSED PREMISES OR] at  
8 a mailing address or electronic mail address furnished by the licensee or permittee;

9 (2) the licensee or permittee shall submit the completed renewal  
10 application and the biennial [LICENSE] fee to the director before January 1;

11 (3) a renewal application filed after December 31 is delinquent and  
12 must be accompanied by a \$500 penalty fee;

13 (4) if December 31 falls on a weekend or a state holiday, the deadline  
14 is extended to the first business day following December 31.

15 \* **Sec. 28.** AS 04.11.270 is amended by adding a new subsection to read:

16 (c) This section does not apply to a manufacturer direct shipment license  
17 issued under AS 04.09.370.

18 \* **Sec. 29.** AS 04.11.280 is amended to read:

19 **Sec. 04.11.280. Application for transfer of a license to another person.** (a)

20 An application for transfer of a license or a license with one or more endorsements  
21 to another person must contain the same information about the transferee as is required  
22 of an applicant for a new license or endorsement under AS 04.11.260 and must  
23 include other information required by the board.

24 (b) An application for the transfer of a license or a license with one or more  
25 endorsements to another person must be accompanied by a statement, under oath,  
26 executed by the transferor, listing all debts of the business and all taxes due by the  
27 business. The board shall promptly inform each listed creditor of the application and  
28 the amount shown as owed to that creditor.

29 \* **Sec. 30.** AS 04.11.280 is amended by adding new subsections to read:

30 (c) A license is automatically transferred as requested in an application for  
31 transfer of the license to another person if

1 (1) the board does not approve or deny the completed application  
2 within 90 days after receiving the application;

3 (2) the application is for transfer of a

4 (A) restaurant or eating place license under AS 04.09.210;

5 (B) seasonal restaurant or eating place tourism license under  
6 AS 04.09.360;

7 (C) restaurant or eating place license under AS 04.09.210 with  
8 one or more endorsements; or

9 (D) seasonal restaurant or eating place tourism license under  
10 AS 04.09.360 with one or more endorsements; and

11 (3) the applicant for transfer of a license has not previously had a  
12 license or permit suspended or revoked under AS 04.11.370.

13 (d) The board may suspend or revoke a license that was automatically  
14 transferred to another person under (c) of this section if, after receiving criminal  
15 justice information and records obtained under AS 04.11.295, the board determines  
16 that the licensee does not meet the qualifications for transfer of a license to another  
17 person under this title.

18 \* **Sec. 31.** AS 04.11.295(a) is amended to read:

19 (a) An applicant for the issuance or transfer of a license or **issuance of** a  
20 conditional contractor's permit under this title shall submit to the board, with the  
21 application, the applicant's fingerprints and the fees required by the Department of  
22 Public Safety under AS 12.62.160 for criminal justice information and a national  
23 criminal history record check. Except as provided under (b) of this section, the board  
24 may require an applicant for renewal of a license or a conditional contractor's permit  
25 under this title to submit fingerprints and pay the required fees. The board shall submit  
26 the fingerprints to the Department of Public Safety to obtain a report of criminal  
27 justice information under AS 12.62 and a national criminal history record check under  
28 AS 12.62.400. The Department of Public Safety may submit the fingerprints to the  
29 Federal Bureau of Investigation for a national criminal history record check. The  
30 board shall use the information obtained under this section in its determination of an  
31 applicant's qualification for issuance, transfer, or renewal of a license or **issuance or**

1           renewal of a conditional contractor's permit.

2   \* **Sec. 32.** AS 04.11.295(c)(1) is amended to read:

3                   (1) "applicant" means all individuals whose names and addresses are  
4           required to be provided with an application for a new license or **conditional**  
5           **contractor's** permit under **AS 04.09.690** [AS 04.11.260];

6   \* **Sec. 33.** AS 04.11.310 is amended by adding a new subsection to read:

7                   (c) This section does not apply to a manufacturer direct shipment license  
8           issued under AS 04.09.370.

9   \* **Sec. 34.** AS 04.11 is amended by adding a new section to article 3 to read:

10                   **Sec. 04.11.315. False statement on application.** A person who knowingly  
11           makes a false sworn statement that the person does not believe to be true on an  
12           application under AS 04.11.260 - 04.11.310 commits the crime of perjury under  
13           AS 11.56.200.

14   \* **Sec. 35.** AS 04.11.320(a) is amended to read:

15                   (a) An application requesting issuance of a new license **or endorsement** shall  
16           be denied if

17                           (1) the board finds, after review of all relevant information, that  
18           issuance of the license **or endorsement** would not be in the best interests of the  
19           public;

20                           (2) issuance of the license is prohibited by AS 04.11.410, relating to  
21           location of premises near churches and schools;

22                           (3) the application has not been completed in accordance with  
23           AS 04.11.260;

24                           (4) issuance of the license **or endorsement** would violate the  
25           restrictions pertaining to the particular license **or endorsement** imposed under this  
26           title;

27                           (5) issuance of the license is prohibited under this title as a result of an  
28           election conducted under AS 04.11.507;

29                           (6) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,  
30           ownership and location of the license, **and the identity and financing of a licensee**  
31           **have not been met or the requirements of AS 04.11.430(b) relating to location of**

1        **the endorsement** [, AND THE IDENTITY AND FINANCING OF A LICENSEE]  
2        have not been met;

3                    (7) issuance of the license is prohibited under AS 04.11.400(a) or  
4        prohibition of issuance of the license is found necessary under AS 04.11.400(b);

5                    (8) the application contains false statements of material fact;

6                    (9) the license is sought for the sale of alcoholic beverages in a first or  
7        second class city where there are no licensed premises at the time of application unless  
8        a majority of the voters have voted not to approve a local option to restrict or prohibit  
9        the sale of alcoholic beverages under AS 04.11.491, have voted to approve a local  
10       option to allow the type of premises under AS 04.11.491(a)(2) or (3), or have voted to  
11       remove a restriction or prohibition on the sale of alcoholic beverages under  
12       AS 04.11.495; or

13                   (10) the license is sought for the sale of alcoholic beverages in an  
14       established village where there are no licensed premises at the time of application  
15       unless a majority of the voters have voted not to approve a local option to restrict or  
16       prohibit the sale of alcoholic beverages under AS 04.11.491, have voted to approve a  
17       local option to allow the type of premises under AS 04.11.491(b)(2), or have voted to  
18       remove a restriction or prohibition on the sale of alcoholic beverages under  
19       AS 04.11.495.

20       \* **Sec. 36.** AS 04.11.330(a) is amended to read:

21                   (a) An application requesting renewal of a license shall be denied if

22                            (1) the board finds, after review of all relevant information, that  
23        renewal of the license would not be in the best interests of the public;

24                            (2) the license has been revoked for any cause;

25                            (3) the applicant has not operated the licensed premises for at least 240  
26        hours during each of the two preceding calendar years, unless the board determines  
27        that the licensed premises are under construction or cannot be operated through no  
28        fault of the applicant;

29                            (4) the board finds that issuance of an existing license under  
30        AS 04.11.400(d) has not encouraged tourist trade;

31                            (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,

1 ownership of the license, and financing of the licensee have not been met;

2 (6) renewal of the license would violate the restrictions pertaining to  
3 the particular license under this title or the license has been operated in violation of a  
4 condition or restriction imposed by the board;

5 (7) renewal of the license is prohibited under this title as a result of an  
6 election conducted under AS 04.11.507; **or**

7 (8) the application has not been completed in accordance with  
8 AS 04.11.270 [; OR

9 (9) THE LICENSE WAS ISSUED UNDER AS 04.11.400(g), AND  
10 THE BOARD FINDS THAT THE PUBLIC CONVENIENCE DOES NOT  
11 REQUIRE RENEWAL].

12 \* **Sec. 37.** AS 04.11.330(a), as amended by sec. 36 of this Act, is amended to read:

13 (a) An application requesting renewal of a license **or endorsement** shall be  
14 denied if

15 (1) the board finds, after review of all relevant information, that  
16 renewal of the license **or endorsement** would not be in the best interests of the public;

17 (2) the license **or endorsement** has been revoked for any cause;

18 (3) the applicant has not operated the licensed premises for at least 240  
19 hours during each of the two preceding calendar years, unless the board determines  
20 that the licensed premises are under construction or cannot be operated through no  
21 fault of the applicant;

22 (4) the board finds that issuance of an existing **beverage dispensary**  
23 **tourism** license under **AS 04.09.350 or seasonal restaurant or eating place tourism**  
24 **license under AS 04.09.360** [AS 04.11.400(d)] has not encouraged tourist trade;

25 (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,  
26 ownership of the license, and financing of the licensee have not been met;

27 (6) renewal of the license **or endorsement** would violate the  
28 restrictions pertaining to the particular license **or endorsement** under this title or the  
29 license **or endorsement** has been operated in violation of a condition or restriction  
30 imposed by the board;

31 (7) renewal of the license is prohibited under this title as a result of an

1 election conducted under AS 04.11.507; or

2 (8) the application has not been completed in accordance with  
3 **AS 04.09.370 or** AS 04.11.270.

4 \* **Sec. 38.** AS 04.11.330(b) is amended to read:

5 (b) An application for renewal of a license may be denied if the applicant is  
6 delinquent in the payment of taxes, **fees, or penalties due to the state or a local**  
7 **government** if the tax liability **or fees or penalties assessed arise** [ARISES] in whole  
8 or in part out of the licensed business.

9 \* **Sec. 39.** AS 04.11.330(d) is amended to read:

10 (d) Notwithstanding (a)(3) of this section, a **theater license issued under**  
11 **AS 04.09.250, a common carrier dispensary license issued under AS 04.09.260, or**  
12 **a sporting activity or event** [RECREATIONAL SITE] license issued under  
13 **AS 04.09.270** [AS 04.11.210] may be renewed if the license was exercised at least  
14 once during each of the two preceding calendar years.

15 \* **Sec. 40.** AS 04.11.330 is amended by adding a new subsection to read:

16 (e) The requirements of (a)(3), (5), and (7) of this section do not apply to a  
17 manufacturer direct shipment license issued under AS 04.09.370.

18 \* **Sec. 41.** AS 04.11.340 is amended to read:

19 **Sec. 04.11.340. Denial of request for relocation.** An application requesting  
20 approval for the relocation of licensed premises shall be denied if

21 (1) the board finds, after review of all relevant information, that  
22 relocation of the license would not be in the best interests of the public;

23 (2) the relocation is prohibited under AS 04.11.400(a) or (b);

24 (3) the license would be relocated out of the established village,  
25 incorporated city, unified municipality, or population area established under  
26 AS 04.11.400(a) within which it is located;

27 (4) transfer of ownership is to be made concurrently with the  
28 relocation of the licensed premises and a ground for denial of the transfer of  
29 ownership under AS 04.11.360 is presented;

30 (5) the application has not been completed in accordance with  
31 AS 04.11.290;

1 (6) relocation of the license would result in violation of a local zoning  
2 **regulation or ordinance** [LAW];

3 (7) relocation of the license would violate the restrictions pertaining to  
4 the particular license imposed by this title;

5 (8) relocation of the license is prohibited under this title as a result of  
6 an election conducted under AS 04.11.507; or

7 (9) the license was issued under AS 04.11.400(d) [, (e), OR (g)].

8 \* **Sec. 42.** AS 04.11.340, as amended by sec. 41 of this Act, is amended to read:

9 **Sec. 04.11.340. Denial of request for relocation.** An application requesting  
10 approval for the relocation of licensed premises shall be denied if

11 (1) the board finds, after review of all relevant information, that  
12 relocation of the license would not be in the best interests of the public;

13 (2) the relocation is prohibited under AS 04.11.400(a) or (b);

14 (3) the license would be relocated out of the established village,  
15 incorporated city, unified municipality, or population area established under  
16 AS 04.11.400(a) within which it is located **except as provided under**  
17 **AS 04.11.400(k)**;

18 (4) transfer of ownership is to be made concurrently with the  
19 relocation of the licensed premises and a ground for denial of the transfer of  
20 ownership under AS 04.11.360 is presented;

21 (5) the application has not been completed in accordance with  
22 AS 04.11.290;

23 (6) relocation of the license would result in violation of a local zoning  
24 regulation or ordinance;

25 (7) relocation of the license would violate the restrictions pertaining to  
26 the particular license imposed by this title; **or**

27 (8) relocation of the license is prohibited under this title as a result of  
28 an election conducted under AS 04.11.507 [; OR

29 (9) THE LICENSE WAS ISSUED UNDER AS 04.11.400(d)].

30 \* **Sec. 43.** AS 04.11.360 is amended to read:

31 **Sec. 04.11.360. Denial of transfer of a license to another person.** An

1 application requesting approval of a transfer of a license to another person under this  
2 title shall be denied if

3 (1) the board finds, after review of all relevant information, that  
4 transfer of a license to another person would not be in the best interests of the public;

5 (2) the application has not been completed in accordance with  
6 AS 04.11.280;

7 (3) the application contains false statements of material fact;

8 (4) the transferor has not paid all debts or taxes arising from the  
9 conduct of the business licensed under this title unless

10 (A) the transferor gives security for the payment of the debts or  
11 taxes satisfactory to the creditor or taxing authority; or

12 (B) the transfer is under a promise given as collateral by the  
13 transferor to the transferee in the course of an earlier transfer of the license  
14 under which promise the transferor is obliged to transfer the license back to the  
15 transferee in the event of default in payment for property conveyed as part of  
16 the earlier transfer of the license;

17 (5) transfer of the license to another person would result in violation of  
18 the provisions of this title relating to identity of licensees and financing of licensees;

19 (6) transfer of the license to another person would violate the  
20 restrictions pertaining to the particular license under this title;

21 (7) transfer of the license to another person is prohibited under the  
22 provisions of this title as a result of an election conducted under AS 04.11.507;

23 (8) the prospective transferee does not have the qualifications required  
24 under this title of an original applicant; however, an application may not be denied  
25 because a prospective transferee under AS 04.11.400(d)(2) does not have the  
26 qualifications required under AS 04.11.400(d)(1);

27 (9) the license was issued under AS 04.11.100(f) [OR 04.11.400(g)];  
28 however, this paragraph does not apply to a beverage dispensary license issued before  
29 June 6, 1985, under former AS 04.11.400(j) if the transfer does not involve a change  
30 in location; or

31 (10) the license was issued under AS 04.11.135, unless the transferor is

1 also applying to transfer the beverage dispensary license required under AS 04.11.135  
2 to the same transferee.

3 \* **Sec. 44.** AS 04.11.360, as amended by sec. 43 of this Act, is amended to read:

4 **Sec. 04.11.360. Denial of transfer of a license to another person.** An  
5 application requesting approval of a transfer of a license to another person under this  
6 title shall be denied if

7 (1) the board finds, after review of all relevant information, that  
8 transfer of a license to another person would not be in the best interests of the public;

9 (2) the application has not been completed in accordance with  
10 AS 04.11.280;

11 (3) the application contains false statements of material fact;

12 (4) the transferor has not paid all debts or taxes arising from the  
13 conduct of the business licensed under this title unless

14 (A) the transferor gives security for the payment of the debts or  
15 taxes satisfactory to the creditor or taxing authority; or

16 (B) the transfer is under a promise given as collateral by the  
17 transferor to the transferee in the course of an earlier transfer of the license  
18 under which promise the transferor is obliged to transfer the license back to the  
19 transferee in the event of default in payment for property conveyed as part of  
20 the earlier transfer of the license;

21 (5) transfer of the license to another person would result in violation of  
22 the provisions of this title relating to identity of licensees and financing of licensees;

23 (6) transfer of the license to another person would violate the  
24 restrictions pertaining to the particular license under this title;

25 (7) transfer of the license to another person is prohibited under the  
26 provisions of this title as a result of an election conducted under AS 04.11.507; **or**

27 (8) the prospective transferee does not have the qualifications required  
28 under this title of an original applicant; however, an application may not be denied  
29 because a prospective transferee under **AS 04.09.350(c)(2)** [AS 04.11.400(d)(2)] does  
30 not have the qualifications required under **AS 04.09.350(c)(1)** [AS 04.11.400(d)(1)];

31 (9) THE LICENSE WAS ISSUED UNDER AS 04.11.100(f);

1           HOWEVER, THIS PARAGRAPH DOES NOT APPLY TO A BEVERAGE  
2           DISPENSARY LICENSE ISSUED BEFORE JUNE 6, 1985, UNDER FORMER  
3           AS 04.11.400(j) IF THE TRANSFER DOES NOT INVOLVE A CHANGE IN  
4           LOCATION; OR

5                       (10) THE LICENSE WAS ISSUED UNDER AS 04.11.135, UNLESS  
6           THE TRANSFEROR IS ALSO APPLYING TO TRANSFER THE BEVERAGE  
7           DISPENSARY LICENSE REQUIRED UNDER AS 04.11.135 TO THE SAME  
8           TRANSFeree].

9   \* **Sec. 45.** AS 04.11.365 is amended to read:

10                   **Sec. 04.11.365. Licensed premises in multi-unit residential housing**  
11                   **developments owned or financed by the Alaska Housing Finance Corporation.**

12           For premises located in a multi-unit residential housing development owned or  
13           financed by the Alaska Housing Finance Corporation, the board may issue a new  
14           license under AS 04.11.320, renew a license under AS 04.11.330, or approve a request  
15           for relocation under AS 04.11.340 if the Alaska Housing Finance Corporation  
16           authorizes the use under AS 18.56.230 and

17                   (1) the license is [FOR] a

18                               **(A)** restaurant or eating place **license** under **AS 04.09.210**  
19                               [AS 04.11.100]; or

20                               **(B)** **seasonal restaurant or eating place tourism license**  
21                               **under AS 04.09.360; or**

22                   (2) the premises are **covered by a restaurant endorsement**  
23           [DESIGNATED BY THE BOARD AS A RESTAURANT] under **AS 04.09.450**  
24           [AS 04.16.049].

25   \* **Sec. 46.** AS 04.11.370(a) is amended to read:

26                   (a) A license, **endorsement**, or permit shall be suspended or revoked if the  
27           board finds

28                               (1) misrepresentation of a material fact on an application made under  
29           this title or a regulation adopted under this title;

30                               (2) continuation of the manufacture, sale, or service of alcoholic  
31           beverages by the licensee or permittee would be contrary to the best interests of the

1 public;

2 (3) failure on the part of the licensee to correct a defect that constitutes  
3 a violation of this title, a condition or restriction imposed by the board, a regulation  
4 adopted under this title, or other laws after receipt of notice issued by the board or its  
5 agent;

6 (4) conviction of a licensee of a violation of this title, a regulation  
7 adopted under this title, or an ordinance adopted under AS 04.21.010;

8 (5) conviction of an agent or employee of a licensee of a violation of  
9 this title, a regulation adopted under this title, or an ordinance adopted under  
10 AS 04.21.010, if the licensee is found by the board to have either knowingly allowed  
11 the violation or to have recklessly or with criminal negligence failed to act in  
12 accordance with the duty prescribed under AS 04.21.030 with the result that the agent  
13 or employee violates a law, regulation, or ordinance;

14 (6) failure of the licensee to comply with the public health, fire, or  
15 safety laws and regulations in the state;

16 (7) use of the licensed premises as a resort for illegal possessors or  
17 users of narcotics, prostitutes, or sex traffickers; in addition to any other legally  
18 competent evidence, the character of the premises may be proved by the general  
19 reputation of the premises in the community as a resort for illegal possessors or users  
20 of narcotics, prostitutes, or sex traffickers;

21 (8) occurrence of illegal gambling within the limits of the licensed  
22 premises;

23 (9) the licensee permitted a public offense involving moral turpitude to  
24 occur on the licensed premises;

25 (10) violation by a licensee of this title, a condition or restriction  
26 imposed by the board, a regulation adopted under this title, or an ordinance adopted  
27 under AS 04.21.010; or

28 (11) violation by an agent or employee of a licensee of a provision of  
29 this title, a condition or restriction imposed by the board, a regulation adopted under  
30 this title, or an ordinance adopted under AS 04.21.010, if the licensee is found by the  
31 board to have either knowingly allowed the violation or to have recklessly or with

1 criminal negligence failed to act in accordance with the duty prescribed under  
2 AS 04.21.030 with the result that the agent or employee violates the law, condition or  
3 restriction, regulation, or ordinance.

4 \* **Sec. 47.** AS 04.11.395 is amended to read:

5 **Sec. 04.11.395. Conditions [BOARD IMPOSED CONDITIONS] or**  
6 **restrictions imposed on a license, endorsement, or permit.** The board may, in the  
7 best interests of the public, impose conditions or restrictions on a license,  
8 **endorsement,** or permit issued under this chapter.

9 \* **Sec. 48.** AS 04.11.395 is amended by adding a new subsection to read:

10 (b) Except for a conditional contractor's permit issued under AS 04.09.690,  
11 the board may delegate to the director the authority to impose, in the best interests of  
12 the public, conditions or restrictions on a permit issued under this chapter.

13 \* **Sec. 49.** AS 04.11.400(a) is amended to read:

14 (a) Except as provided in **(d), (f), and (h) - (k)** [(d) - (k)] of this section **and**  
15 **AS 04.11.405,** a new license may not be issued and the board may prohibit relocation  
16 of an existing license

17 (1) outside an established village, incorporated city, unified  
18 municipality, or organized borough if, after the issuance or relocation, there would be  
19 (A) more than one restaurant or eating place license for each 1,500 population or  
20 fraction of that population, or (B) more than one license of each other type, including  
21 licenses that have been issued under (d) [OR (e)] of this section, for each 3,000  
22 population or fraction of that population, in a radius of five miles of the licensed  
23 premises, excluding the populations of established villages, incorporated cities, unified  
24 municipalities, and organized boroughs that are wholly or partly included within the  
25 radius;

26 (2) inside an established village, incorporated city, or unified  
27 municipality if, after the issuance or relocation, there would be inside the established  
28 village, incorporated city, or unified municipality

29 (A) more than one restaurant or eating place license for each  
30 1,500 population or fraction of that population; or

31 (B) more than one license of each other type, including licenses

1 that have been issued under (d) [OR (e)] of this section, for each 3,000  
2 population or fraction of that population;

3 (3) inside an organized borough but outside an established village or  
4 incorporated city located within the borough if, after the issuance or relocation, there  
5 would be inside the borough, but outside the established villages and incorporated  
6 cities located within the borough,

7 (A) more than one restaurant or eating place license for each  
8 1,500 population or fraction of that population; or

9 (B) more than one license of each other type, including licenses  
10 that have been issued under (d) [OR (e)] of this section, for each 3,000  
11 population or fraction of that population excluding the population of those  
12 established villages that have adopted a local option under AS 04.11.491(b)(1),  
13 (3), or (4), and excluding the population of incorporated cities located within  
14 the organized borough.

15 \* **Sec. 50.** AS 04.11.400(a), as amended by sec. 49 of this Act, is amended to read:

16 (a) Except as provided in **(f), (i), and (k)** [(d), (f), and (h) - (k)] of this section  
17 and AS 04.11.405, a new license may not be issued and the board may prohibit  
18 relocation of an existing license

19 (1) outside an established village, incorporated city, unified  
20 municipality, or organized borough if, after the issuance or relocation, **in a radius of**  
21 **five miles of the licensed premises, excluding the populations of established**  
22 **villages, incorporated cities, unified municipalities, and organized boroughs that**  
23 **are wholly or partly included within the radius,** there would be

24 (A) more than one restaurant or eating place license for each  
25 1,500 population or fraction of that population; [, OR]

26 (B) **more than one brewery retail, one winery retail, and**  
27 **one distillery retail license for each 9,000 population or fraction of that**  
28 **population; or**

29 (C) more than one license of each other type, **except a type**  
30 **listed in (i) of this section** [INCLUDING LICENSES THAT HAVE BEEN  
31 ISSUED UNDER (d) OF THIS SECTION], for each 3,000 population or

1 fraction of that population [, IN A RADIUS OF FIVE MILES OF THE  
2 LICENSED PREMISES, EXCLUDING THE POPULATIONS OF  
3 ESTABLISHED VILLAGES, INCORPORATED CITIES, UNIFIED  
4 MUNICIPALITIES, AND ORGANIZED BOROUGHs THAT ARE  
5 WHOLLY OR PARTLY INCLUDED WITHIN THE RADIUS];

6 (2) inside an established village, incorporated city, or unified  
7 municipality if, after the issuance or relocation, there would be inside the established  
8 village, incorporated city, or unified municipality

9 (A) more than one restaurant or eating place license for each  
10 1,500 population or fraction of that population; [OR]

11 (B) **more than one brewery retail, one winery retail, and**  
12 **one distillery retail license for each 9,000 population or fraction of that**  
13 **population; or**

14 (C) more than one license of each other type, **except a type**  
15 **listed in (i) of this section** [INCLUDING LICENSES THAT HAVE BEEN  
16 ISSUED UNDER (d) OF THIS SECTION], for each 3,000 population or  
17 fraction of that population;

18 (3) inside an organized borough but outside an established village or  
19 incorporated city located within the borough if, after the issuance or relocation, there  
20 would be inside the borough, but outside the established villages and incorporated  
21 cities located within the borough, **excluding the population of those established**  
22 **villages that have adopted a local option under AS 04.11.491(b)(1) or (3), and**  
23 **excluding the population of incorporated cities located within the organized**  
24 **borough,**

25 (A) more than one restaurant or eating place license for each  
26 1,500 population or fraction of that population; [OR]

27 (B) **more than one brewery retail, one winery retail, and**  
28 **one distillery retail license for each 9,000 population or fraction of that**  
29 **population; or**

30 (C) more than one license of each other type, **except a type**  
31 **listed in (i) of this section** [INCLUDING LICENSES THAT HAVE BEEN

1 ISSUED UNDER (d) OF THIS SECTION], for each 3,000 population or  
2 fraction of that population [EXCLUDING THE POPULATION OF THOSE  
3 ESTABLISHED VILLAGES THAT HAVE ADOPTED A LOCAL OPTION  
4 UNDER AS 04.11.491(b)(1), (3), OR (4), AND EXCLUDING THE  
5 POPULATION OF INCORPORATED CITIES LOCATED WITHIN THE  
6 ORGANIZED BOROUGH].

7 \* **Sec. 51.** AS 04.11.400(a), as amended by sec. 50 of this Act, is amended to read:

8 (a) Except as provided in (f), (i), and (k) of this section and AS 04.11.405, a  
9 new license may not be issued and the board may prohibit relocation of an existing  
10 license

11 (1) outside an established village, incorporated city, unified  
12 municipality, or organized borough if, after the issuance or relocation, in a radius of  
13 five miles of the licensed premises, excluding the populations of established villages,  
14 incorporated cities, unified municipalities, and organized boroughs that are wholly or  
15 partly included within the radius, there would be

16 (A) more than one restaurant or eating place license for each  
17 1,500 population or fraction of that population;

18 (B) more than one brewery retail, one winery retail, and one  
19 distillery retail license for each 4,500 [9,000] population or fraction of that  
20 population; or

21 (C) more than one license of each other type, except a type  
22 listed in (i) of this section, for each 3,000 population or fraction of that  
23 population;

24 (2) inside an established village, incorporated city, or unified  
25 municipality if, after the issuance or relocation, there would be inside the established  
26 village, incorporated city, or unified municipality

27 (A) more than one restaurant or eating place license for each  
28 1,500 population or fraction of that population;

29 (B) more than one brewery retail, one winery retail, and one  
30 distillery retail license for each 4,500 [9,000] population or fraction of that  
31 population; or

1 (C) more than one license of each other type, except a type  
2 listed in (i) of this section, for each 3,000 population or fraction of that  
3 population;

4 (3) inside an organized borough but outside an established village or  
5 incorporated city located within the borough if, after the issuance or relocation, there  
6 would be inside the borough, but outside the established villages and incorporated  
7 cities located within the borough, excluding the population of those established  
8 villages that have adopted a local option under AS 04.11.491(b)(1) or (3), and  
9 excluding the population of incorporated cities located within the organized borough,

10 (A) more than one restaurant or eating place license for each  
11 1,500 population or fraction of that population;

12 (B) more than one brewery retail, one winery retail, and one  
13 distillery retail license for each 4,500 [9,000] population or fraction of that  
14 population; or

15 (C) more than one license of each other type, except a type  
16 listed in (i) of this section, for each 3,000 population or fraction of that  
17 population.

18 \* **Sec. 52.** AS 04.11.400(i) is repealed and reenacted to read:

19 (i) This section does not apply to a

20 (1) brewery manufacturer license issued under AS 04.09.020;

21 (2) winery manufacturer license issued under AS 04.09.030;

22 (3) distillery manufacturer license issued under AS 04.09.040;

23 (4) general wholesale license issued under AS 04.09.100;

24 (5) limited wholesale brewed beverage and wine license issued under  
25 AS 04.09.110;

26 (6) outdoor recreation lodge license issued under AS 04.09.280;

27 (7) destination resort license issued under AS 04.09.310;

28 (8) beverage dispensary tourism license issued under AS 04.09.350;

29 (9) seasonal restaurant or eating place tourism license issued under  
30 AS 04.09.360;

31 (10) manufacturer direct shipment license issued under AS 04.09.370;

1 (11) conditional contractor's permit issued under AS 04.09.690.

2 \* **Sec. 53.** AS 04.11.400(k) is amended to read:

3 (k) The board may allow the relocation of an existing beverage dispensary  
4 license under AS 04.09.200 or former AS 04.11.090 to a restaurant, eating place, or  
5 hotel, motel, resort, or similar business that contains a restaurant or eating place, an  
6 existing package store license under AS 04.09.230 or former AS 04.11.150, an  
7 existing brewery retail license under AS 04.09.320, an existing winery retail  
8 license under AS 04.09.330, or an existing distillery retail license under  
9 AS 04.09.340 in a borough with a population of 50,000 [60,000] or more [IF THE  
10 GOVERNING BODY OF THE BOROUGH APPROVES THE RELOCATION.  
11 HOWEVER, IF THE RELOCATION OF THE LICENSE IS] into or within an  
12 incorporated city in the borough. The [, THE] board may not approve the relocation  
13 unless, at the time of application, the existing number of issued licenses of the  
14 type under consideration for relocation located within the borough exceeds the  
15 maximum allowed under (a) of this section and the governing bodies of both the  
16 borough and the incorporated city approve the relocation. The board may allow not  
17 more than three relocations into each city [IN A BOROUGH] under this subsection  
18 each decade. In this subsection, "decade" means each 10-year period beginning  
19 April 1 in a year ending in zero.

20 \* **Sec. 54.** AS 04.11 is amended by adding a new section to read:

21 **Sec. 04.11.405. Petition for additional restaurant or eating place licenses**  
22 **for certain local governing bodies.** (a) A first class city, a home rule city, or a unified  
23 municipality may submit a resolution to the board, adopted by its legislative body,  
24 petitioning the board for the issuance of additional restaurant or eating place licenses  
25 under AS 04.11.100 that exceed the limits under AS 04.11.400(a) in accordance with  
26 this section.

27 (b) The board, following a public hearing, may issue one or more additional  
28 restaurant or eating place licenses under AS 04.11.100, within the boundaries of the  
29 municipality, if the board finds that

30 (1) the municipality

31 (A) serves as a center for commercial activity within and

1 outside the boundaries of the municipality by providing goods and services to a  
2 population that is greater than the permanent resident population within the  
3 boundaries of the municipality;

4 (B) maintains a local law enforcement department;

5 (C) exercises planning or land use authority; and

6 (D) at the time of the petition, meets or exceeds the maximum  
7 limit under AS 04.11.400(a) for restaurant or eating place licenses issued under  
8 AS 04.11.100;

9 (2) the number of additional licenses does not exceed the number of  
10 additional licenses requested by the municipality in the petition; and

11 (3) granting the additional licenses is in the public interest.

12 (c) A resolution submitted by a municipality under (a) of this section must  
13 include

14 (1) information demonstrating that the petitioner meets the criteria in  
15 (b) of this section;

16 (2) the most recent estimate of the number of people who claim  
17 residency or work outside the boundaries of the municipality and who are served by  
18 the municipality, including the

19 (A) population located outside the boundaries of the  
20 municipality that relies on the municipality for goods and services;

21 (B) visitor population; and

22 (C) nonresident worker population that resides in the  
23 municipality, but that is not counted in the latest federal or state census for the  
24 municipality;

25 (3) the number of existing restaurant or eating place licenses

26 (A) within the boundaries of the municipality;

27 (B) in a geographic area that the municipality serves under (2)  
28 of this subsection;

29 (4) information showing that the number of additional licenses  
30 requested does not exceed one license for each 1,500 population of the population  
31 identified under (2) of this subsection; and

1 (5) additional justification, as necessary, to demonstrate that granting  
2 of the additional licenses is in the public interest.

3 (d) If the board grants a petition for additional restaurant or eating place  
4 licenses under this section to a municipality, the board may not authorize additional  
5 restaurant or eating place licenses to the same municipality under this section for the  
6 following year.

7 \* **Sec. 55.** AS 04.11.405(a), enacted by sec. 54 of this Act, is amended to read:

8 (a) A first class city, a home rule city, or a unified municipality may submit a  
9 resolution to the board, adopted by its legislative body, petitioning the board for the  
10 issuance of additional restaurant or eating place licenses under **AS 04.09.210**  
11 [AS 04.11.100] that exceed the limits under AS 04.11.400(a) in accordance with this  
12 section.

13 \* **Sec. 56.** AS 04.11.405(b), enacted by sec. 54 of this Act, is amended to read:

14 (b) The board, following a public hearing, may issue one or more additional  
15 restaurant or eating place licenses under **AS 04.09.210** [AS 04.11.100], within the  
16 boundaries of the municipality, if the board finds that

17 (1) the municipality

18 (A) serves as a center for commercial activity within and  
19 outside the boundaries of the municipality by providing goods and services to a  
20 population that is greater than the permanent resident population within the  
21 boundaries of the municipality;

22 (B) maintains a local law enforcement department;

23 (C) exercises planning or land use authority; and

24 (D) at the time of the petition, meets or exceeds the maximum  
25 limit under AS 04.11.400(a) for restaurant or eating place licenses issued under  
26 **AS 04.09.210** [AS 04.11.100];

27 (2) the number of additional licenses does not exceed the number of  
28 additional licenses requested by the municipality in the petition; and

29 (3) granting the additional licenses is in the public interest.

30 \* **Sec. 57.** AS 04.11.420(a) is amended to read:

31 (a) A person may not be issued a **new** license, **endorsement**, or permit **or**

1        **transfer a license or a license with endorsement to a new location** in a municipality  
2        if a zoning regulation or ordinance prohibits the **land use** [SALE OR  
3        CONSUMPTION OF ALCOHOLIC BEVERAGES] unless a variance of the  
4        regulation or ordinance has been approved.

5        \* **Sec. 58.** AS 04.11.420 is amended by adding a new subsection to read:

6                (c) Notwithstanding (a) of this section, a license may be renewed if

7                        (1) the license was issued before the effective date of a change to a  
8                        local zoning regulation or ordinance that would prohibit the renewal; and

9                        (2) at the time the license was issued, the license conformed with local  
10                        zoning regulations and ordinances.

11        \* **Sec. 59.** AS 04.11.430 is amended to read:

12                **Sec. 04.11.430. Person and location.** (a) Each license shall be issued to a  
13                specific individual or individuals, to a partnership, including a limited partnership, to a  
14                limited liability organization, [OR] to a corporation, **to a government entity, or to a**  
15                **tribal organization**. If the license is issued to a corporation or a limited liability  
16                organization, the registered agent of the corporation or limited liability organization  
17                **may** [MUST] be **either** an individual resident of the state **or a domestic corporation**  
18                **authorized to transact business in this state whose business office is the same as**  
19                **the registered office**.

20                (b) Except for a license authorizing the sale of alcoholic beverages on a  
21                common carrier, a specific location shall be indicated on the license, **endorsement**, or  
22                permit as the licensed premises, the principal address of which shall be indicated on  
23                the license, **endorsement**, or permit. The mailing address, **telephone number, and**  
24                **electronic mailing address** of a licensee or, if the licensee is a corporation, the  
25                address, **telephone number, and electronic mailing address** of the registered office  
26                of the corporation must be kept current and on file in the main office of the board.

27        \* **Sec. 60.** AS 04.11.450(b) is amended to read:

28                (b) A person who is a representative or owner of a wholesale business  
29                **licensed under AS 04.09.100 or 04.09.110** [, BREWERY, WINERY, BOTTLING  
30                WORKS, OR DISTILLERY] may not be issued, solely or together with others, a  
31                **manufacturer license issued under AS 04.09.020 - 04.09.040, or a retail license**

1 **issued under AS 04.09.200 - 04.09.370** [BEVERAGE DISPENSARY LICENSE, A  
2 RESTAURANT OR EATING PLACE LICENSE, OR PACKAGE STORE  
3 LICENSE. A HOLDER OF A BEVERAGE DISPENSARY LICENSE MAY BE  
4 ISSUED A BREWPUB LICENSE, SUBJECT TO THE PROVISIONS OF  
5 AS 04.11.135. THE PROHIBITION AGAINST ISSUANCE OF A RESTAURANT  
6 OR EATING PLACE LICENSE IMPOSED UNDER THIS SUBSECTION DOES  
7 NOT APPLY TO A RESTAURANT OR EATING PLACE LICENSE ISSUED ON  
8 OR BEFORE OCTOBER 1, 1996 OR A RESTAURANT OR EATING PLACE  
9 LICENSE ISSUED UNDER AN APPLICATION FOR A RESTAURANT OR  
10 EATING PLACE LICENSE APPROVED ON OR BEFORE OCTOBER 1, 1996].

11 \* **Sec. 61.** AS 04.11.450(e) is amended to read:

12 (e) A holder of either a general wholesale license or a **limited** wholesale  
13 **brewed** [MALT] beverage and wine license may not be employed by or act as the  
14 agent or employee of the holder of a **manufacturer** [BEVERAGE DISPENSARY OR  
15 PACKAGE STORE] license **under AS 04.09.020 - 04.09.040 or a retail license**  
16 **under AS 04.09.200 - 04.09.370.**

17 \* **Sec. 62.** AS 04.11.450 is amended by adding new subsections to read:

18 (g) The holder of a manufacturer license that annually produces in total  
19 300,000 barrels or more of brewed beverages or mead or cider containing less than 8.5  
20 percent alcohol by volume, 50,000 nine-liter-equivalent cases or more of wine, sake,  
21 or mead or cider containing 8.5 percent or more alcohol by volume, or 50,000 nine-  
22 liter-equivalent cases or more of distilled spirits may not be issued, solely or together  
23 with others, a license under AS 04.09.100 - 04.09.370.

24 (h) For purposes of calculating the volume that the holder of a manufacturer  
25 license produces under this section, the volume of production must include all  
26 production by

27 (1) the holder of the manufacturer's license; and

28 (2) an officer, director, agent, employee, or affiliate of the holder; in  
29 this paragraph, "affiliate" means a person that directly or indirectly, through one or  
30 more intermediaries, controls, or is controlled by, or is under common control with, a  
31 corporation.

1 \* **Sec. 63.** AS 04.11.460 is amended by adding a new subsection to read:

2 (d) This section does not apply to a manufacturer direct shipment license  
3 issued under AS 04.09.370.

4 \* **Sec. 64.** AS 04.11.470 is amended to read:

5 **Sec. 04.11.470. Objection.** A person may object to an application for issuance,  
6 renewal, transfer of location, or transfer to another person of a license, **for issuance,**  
7 **renewal, or transfer to another person of a license with one or more**  
8 **endorsements, for issuance of an endorsement,** or for issuance of a permit [,] by  
9 serving upon the applicant and the board the reasons for the objection. The board shall  
10 consider the objections and testimony received at a hearing conducted under  
11 AS 04.11.510(b)(2) when it considers the application. An objection and the record of a  
12 hearing conducted under AS 04.11.510(b)(2) shall be retained as part of the board's  
13 permanent record of its review of the application.

14 \* **Sec. 65.** AS 04.11.480(a) is amended to read:

15 (a) A local governing body may protest the issuance, renewal, relocation, or  
16 transfer to another person of a license, **issuance, renewal, or transfer to another**  
17 **person of a license with one or more endorsements, or issuance of an**  
18 **endorsement** by sending the board and the applicant a protest and the reasons for the  
19 protest within 60 days of **the date** [RECEIPT FROM THE BOARD] of **the** notice of  
20 filing of the application. A protest received after the 60-day period may not be  
21 accepted by the board, and in no event may a protest cause the board to reconsider an  
22 approved renewal, relocation, or transfer. The local governing body may protest the  
23 continued operation of a license **or endorsement** during the second year of the  
24 biennial license period by sending the board and the licensee a protest and the reasons  
25 for the protest by January 31 of the second year of the license. The procedures for  
26 action on a protest of continued operation of a license **or endorsement** are the same as  
27 the procedures for action on a protest of a renewal application. The board shall  
28 consider a protest and testimony received at a hearing conducted under  
29 AS 04.11.510(b)(2) or (4) when it considers the application or continued operation,  
30 and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or  
31 (4) shall be kept as part of the board's permanent record of its review. If an application

1 or continued operation is protested, the board shall deny the application or continued  
2 operation unless the board finds that the protest is arbitrary, capricious, **or** [AND]  
3 unreasonable.

4 \* **Sec. 66.** AS 04.11.480(b) is amended to read:

5 (b) If the permanent residents residing outside of but within two miles of an  
6 incorporated city or an established village wish to protest the issuance, renewal, or  
7 transfer of a license **or a license with one or more endorsements** within the city or  
8 village, they shall file with the board a petition meeting the requirements of  
9 AS 04.11.510(b)(3) requesting a public hearing **not later than** [WITHIN] 30 days  
10 **after** [OF] the posting of notice required under AS 04.11.310, or by December 31 of  
11 the year application is made for renewal of a license. The board shall consider  
12 testimony received at a hearing conducted under AS 04.11.510(b)(3) when it considers  
13 the application, and the record of a hearing conducted under AS 04.11.510(b)(3) shall  
14 be retained as part of the board's permanent record of its review of the application.

15 \* **Sec. 67.** AS 04.11.480(c) is amended to read:

16 (c) A local governing body may recommend that a license be issued, renewed,  
17 relocated, or transferred, **or that a license with one or more endorsements be**  
18 **issued, renewed, or transferred to another person,** with conditions. The board shall  
19 consider recommended conditions and testimony received at a hearing conducted  
20 under AS 04.11.510(b)(2) or (4) when it considers the application or continued  
21 operation, and the recommended conditions and the record of the hearing conducted  
22 under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record  
23 of its review. If the local governing body recommends conditions, the board shall  
24 impose the recommended conditions unless the board finds that the recommended  
25 conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a  
26 local governing body is imposed on a licensee, the local governing body shall assume  
27 responsibility for monitoring compliance with the condition, except as otherwise  
28 provided by the board.

29 \* **Sec. 68.** AS 04.11.480 is amended by adding a new subsection to read:

30 (e) If the location or proposed location of a license is within the boundaries of  
31 more than one local government, each local governing body may protest the issuance,

1 renewal, relocation, or transfer of a license.

2 \* **Sec. 69.** AS 04.11.491(a) is amended to read:

3 (a) If a majority of the persons voting on the question vote to approve the  
4 option, a municipality shall adopt a local option to prohibit

5 (1) the sale of alcoholic beverages;

6 (2) the sale of alcoholic beverages except by one or more of the  
7 following listed on the ballot:

8 (A) a restaurant or eating place licensee;

9 (B) a beverage dispensary licensee;

10 (C) a package store licensee;

11 (D) a caterer holding a **beverage dispensary caterer's** permit  
12 under **AS 04.09.610** [AS 04.11.230] to sell alcoholic beverages at a site within  
13 the municipality who is also licensed under a beverage dispensary license for  
14 premises outside of the municipality;

15 (E) a winery **manufacturer** licensee;

16 (F) a winery **manufacturer** licensee, except that sales may  
17 occur only to a person licensed under this title or in another state or country;  
18 [OR]

19 (G) an outdoor recreation lodge licensee; **or**

20 **(H) a package store licensee limited to selling only beer and**  
21 **wine;**

22 (3) the sale of alcoholic beverages except on premises operated by the  
23 municipality and under a type of licensed premises listed on the ballot, that may  
24 include one or more of the following:

25 (A) a restaurant or eating place license;

26 (B) a beverage dispensary license; or

27 (C) a package store license;

28 (4) the sale and importation of alcoholic beverages; or

29 (5) the sale, importation, and possession of alcoholic beverages.

30 \* **Sec. 70.** AS 04.11.491(b) is amended to read:

31 (b) If a majority of the persons voting on the question vote to approve the

1 option, an established village shall exercise a local option to prohibit

2 (1) the sale of alcoholic beverages;

3 (2) the sale of alcoholic beverages except by one or more of the  
4 following listed on the ballot:

5 (A) a restaurant or eating place licensee;

6 (B) a beverage dispensary licensee;

7 (C) a package store licensee;

8 (D) a caterer holding a **beverage dispensary caterer's** permit  
9 under **AS 04.09.610** [AS 04.11.230] to sell alcoholic beverages at a site within  
10 the established village who is also licensed under a beverage dispensary license  
11 for premises outside of the established village;

12 (E) a winery **manufacturer** licensee;

13 (F) a winery **manufacturer** licensee, except that sales may  
14 occur only to a person licensed under this title or in another state or country;  
15 [OR]

16 (G) an outdoor recreation lodge licensee; **or**

17 **(H) a package store licensee limited to selling only beer and**  
18 **wine;**

19 (3) the sale and importation of alcoholic beverages; or

20 (4) the sale, importation, and possession of alcoholic beverages.

21 \* **Sec. 71.** AS 04.11.491(d) is amended to read:

22 (d) The ballot for an election on the option set out in (a)(2)(A), (a)(3)(A), or  
23 (b)(2)(A) of this section must include a summary explanation of the authority to sell  
24 alcoholic beverages given to a restaurant or eating place under **AS 04.09.210(a)**  
25 [AS 04.11.100(a)]. The ballot for an election on the option set out in (a)(2)(B) or (D),  
26 (a)(3)(B), or (b)(2)(B) or (D) of this section must include a statement that a beverage  
27 dispensary license is commonly known as a "bar" and a summary explanation of the  
28 authority to sell alcoholic beverages given to a beverage dispensary licensee under  
29 **AS 04.09.200** [AS 04.11.090(a)]. The ballot for an election on the option set out in  
30 (a)(2)(C), (a)(3)(C), or (b)(2)(C) of this section must include a statement that a  
31 package store license is commonly known as a "liquor store" and a summary

1 explanation of the authority to sell alcoholic beverages given to a package store  
2 licensee under AS 04.09.230 [AS 04.11.150(a)].

3 \* **Sec. 72.** AS 04.11.491(g) is amended to read:

4 (g) If a municipality or established village has adopted a local option under  
5 (a)(1), (2), (3), or (4), or (b)(1), (2), or (3) of this section, the municipality or  
6 established village, as part of the local option question or questions placed before the  
7 voters, may

8 (1) adopt an amount of alcoholic beverages that may be imported that  
9 is less than the amounts set out in AS 04.09.460(e) [AS 04.11.150(g)];

10 (2) adopt an amount of alcoholic beverages that would give rise to a  
11 presumption that the person possessed the alcoholic beverages for sale; the amounts  
12 adopted under this paragraph may be lower than those set out in AS 04.11.010(c);

13 (3) opt to not apply a class C felony to violations of AS 04.16.051 that  
14 apply solely by reason of the municipality or established village adopting a local  
15 option under this section.

16 \* **Sec. 73.** AS 04.11.510(b) is amended to read:

17 (b) The board may review an application for the issuance, renewal, transfer of  
18 location, or transfer to another person of a license without affording the applicant  
19 notice or hearing, except

20 (1) if an application is denied, written [THE] notice of denial shall be  
21 furnished immediately to the applicant [IMMEDIATELY IN WRITING] stating the  
22 reason for the denial in clear and concise language; the notice of denial must inform  
23 the applicant that the applicant is entitled to submit a request to the director, within  
24 15 days after receiving the notice of denial, for an informal conference with either  
25 the director or the board, and that, if not satisfied by the informal conference, the  
26 applicant is then entitled to a formal hearing conducted by the office of administrative  
27 hearings (AS 44.64.010); the director shall respond to a request for an informal  
28 conference or a formal hearing in a timely manner and shall hold an informal  
29 conference within 15 days after receiving a request for an informal conference  
30 unless the applicant and the director agree in writing to waive or extend the time  
31 limit; if the applicant requests an informal conference, the running of the period

1 **for requesting a formal hearing is tolled from the date the director receives the**  
2 **request for the conference until the day after the date of the conference;** if the  
3 applicant requests a formal hearing, the office of administrative hearings shall adhere  
4 to AS 44.62.330 - 44.62.630 (Administrative Procedure Act); all interested persons  
5 may be heard at the hearing [AND UNLESS WAIVED BY THE APPLICANT AND  
6 THE BOARD, THE FORMAL HEARING SHALL BE HELD IN THE AREA FOR  
7 WHICH THE APPLICATION IS REQUESTED];

8 (2) the board may, on its own initiative or in response to an objection  
9 or protest, hold a hearing to ascertain the reaction of the public or a local governing  
10 body to an application if a hearing is not required under this subsection; the board  
11 shall send notice of a hearing conducted under this paragraph 20 days in advance of  
12 the hearing to **the person who filed the objection or protest, to a** [EACH]  
13 community council, **if the licensed premises or proposed licensed premises**  
14 **described in the application is located within the boundaries of the community**  
15 **council,** [ESTABLISHED WITHIN THE MUNICIPALITY] and to each nonprofit  
16 community organization entitled to notification under AS 04.11.310(b);

17 (3) if a petition containing the signatures of 35 percent of the adult  
18 residents having a permanent place of abode outside of but within two miles of an  
19 incorporated city or an established village is filed with the board, the board shall hold  
20 a public hearing on the question of whether the issuance, renewal, or transfer of the  
21 license in the city or village would be in the public interest;

22 (4) if a protest to the issuance, renewal, transfer of location or transfer  
23 to another person of a license made by a local governing body is based on a question  
24 of law, the board shall hold a public hearing.

25 \* **Sec. 74.** AS 04.11.510(c) is amended to read:

26 (c) Unless the grounds for the suspension or revocation are under  
27 AS 04.11.370(a)(4), board proceedings to suspend or revoke a license shall be  
28 conducted in accordance with **AS 44.62.360 - 44.62.630** [AS 44.62.330 - 44.62.630]  
29 (Administrative Procedure Act), except that the licensee **may submit a request to the**  
30 **director within 15 days after the accusation is served on the licensee for** [IS  
31 ENTITLED TO] an opportunity to informally confer with the director or the board

1 [WITHIN 10 DAYS AFTER THE ACCUSATION IS SERVED UPON THE  
2 LICENSEE]. Notice of the opportunity for an informal conference shall be served on  
3 [UPON] the licensee along with the accusation. The director shall respond to a  
4 request for an informal conference or a formal hearing in a timely manner. The  
5 director shall hold an informal conference within 15 days after receiving a  
6 request for an informal conference unless the applicant and the director agree in  
7 writing to waive or extend the time limit. After the informal conference, the  
8 board shall hold a formal hearing on the accusation at the next regularly  
9 scheduled board meeting that occurs 20 days or more after service of the  
10 accusation [IF AN INFORMAL CONFERENCE IS REQUESTED, THE RUNNING  
11 OF THE PERIOD OF TIME SPECIFIED IN AS 44.62.380 FOR FILING A NOTICE  
12 OF DEFENSE IS TOLLED FROM THE DATE OF RECEIPT OF THE REQUEST  
13 FOR THE CONFERENCE UNTIL THE DAY FOLLOWING THE DATE OF THE  
14 CONFERENCE UNLESS EXTENDED BY THE BOARD. AFTER THE  
15 CONFERENCE, THE LICENSEE, IF NOT SATISFIED BY THE RESULTS OF  
16 THE CONFERENCE, MAY OBTAIN A HEARING BY FILING A NOTICE OF  
17 DEFENSE AS PROVIDED IN AS 44.62.390]. If the grounds for suspension or  
18 revocation are under AS 04.11.370(a)(4), the licensee is not entitled to notice and  
19 hearing under AS 44.62.360 - 44.62.630 [AS 44.62.330 - 44.62.630] on the merits of  
20 the suspension or revocation. However, the board shall afford the licensee notice and  
21 hearing on the issue of what administrative sanction to impose under AS 04.16.180.

22 \* **Sec. 75.** AS 04.11.520 is amended to read:

23 **Sec. 04.11.520. Notice to local governing body.** After receipt of an  
24 application for the issuance or renewal of a license, the renewal of a license with  
25 one or more endorsements, the transfer of a license or a license with one or more  
26 endorsements to another person, the transfer of a license to a new location, or the  
27 issuance of an endorsement from within [(1)] an established village, [(2)] an  
28 incorporated city, [(3)] an organized borough, or [(4)] a unified municipality, the  
29 board shall **notify** [TRANSMIT WRITTEN NOTICE TO] the local governing body **in**  
30 **writing** within 10 **business** days so that the local governing body may protest under  
31 AS 04.11.480.

1 \* **Sec. 76.** AS 04.11.535(a) is amended to read:

2 (a) If, in a proceeding to suspend or revoke a license, **endorsement, or permit**  
3 under AS 04.11.370(a)(5), the board finds that a sentencing report, **record of**  
4 **conviction, or judgment** sent to the board under AS 12.55.025(b) or a report prepared  
5 by the investigating or arresting officers in connection with the violation, contains  
6 information that if uncontradicted or unexplained would provide a ground for  
7 suspension or revocation under AS 04.11.370(a)(5), the licensee **or permittee** has the  
8 burden of proof to establish that the licensee **or permittee** neither knowingly allowed  
9 the violation nor recklessly or with criminal negligence failed to act in accordance  
10 with the duty prescribed under AS 04.21.030.

11 \* **Sec. 77.** AS 04.11.540 is amended to read:

12 **Sec. 04.11.540. License, endorsement, and conditional contractor's permit**  
13 **renewal and expiration.** Notwithstanding AS 04.11.680, an application for renewal  
14 of a license, **an endorsement, or a conditional contractor's permit under**  
15 **AS 04.09.690** issued for the two calendar years ending December 31 or of a seasonal  
16 license issued for parts of those calendar years may be submitted up until the next  
17 February 28. If a complete application for renewal has not been filed by February 28  
18 or the required fees and the penalty fees have not been paid by that date, the license,  
19 **endorsement, or conditional contractor's permit** expires at 12:00 midnight  
20 February 28. A new license may not be issued to the holder of an expired license for  
21 the same premises except on proof satisfactory to the board of good cause for the  
22 failure to file and pay.

23 \* **Sec. 78.** AS 04.11.560(b) is amended to read:

24 (b) A decision by the board relating to the issuance, renewal, transfer,  
25 relocation, suspension, or revocation of a license **or an endorsement** under this title  
26 may be appealed to the superior court under AS 44.62.560.

27 \* **Sec. 79.** AS 04.11.570 is amended to read:

28 **Sec. 04.11.570. Refund and forfeiture of fees.** (a) If an application for a  
29 license **or endorsement** is denied, the board shall refund the license fee **but not**  
30 [LESS] the application fee.

31 (b) A license **or endorsement** fee may not be refunded after the license **or**

1 endorsement has been issued unless the board determines it has erred in the issuance  
2 through no fault of the applicant.

3 (c) If a license, endorsement, or permit is revoked on grounds that  
4 statements made in the application are untrue, the [LICENSE] fee paid by the  
5 applicant is forfeited to the state.

6 \* **Sec. 80.** AS 04.11.580(b) is amended to read:

7 (b) The licensee shall surrender a current license to the board not later than  
8 [WITHIN] 10 days after the loss or vacation of the licensed premises.

9 \* **Sec. 81.** AS 04.11.590(a) is amended to read:

10 (a) Money collected from licenses, endorsements, permits, and civil fines  
11 under this title shall be transferred by the board to the Department of Commerce,  
12 Community, and Economic Development and deposited in the general fund.

13 \* **Sec. 82.** AS 04.11.610 is amended to read:

14 **Sec. 04.11.610. Allocation [REFUND] to municipalities.** (a) An amount  
15 equal to the sum of the biennial [BIENNIAL] license fees, excluding annual  
16 wholesale fees and biennial wholesale license fees, collected within a municipality  
17 shall be allocated [REFUNDED] semi-annually to the municipality.

18 (b) If the officers of a municipality fail to actively enforce local ordinances,  
19 this title, laws of the United States and the state, and the regulations relating to the  
20 manufacture and sale of alcoholic beverages in the state, or fail to provide the  
21 director with a report of contacts with licensed establishments, educational  
22 activities concerning this title and local ordinances, and violations of this title  
23 occurring in the municipality, at the time and in the format as may be required  
24 by regulation adopted by the board, the commissioner of commerce, community,  
25 and economic development may deny the allocation [REFUND] provided for under  
26 (a) of this section until the board finds the enforcement of the ordinances, laws, and  
27 regulations is resumed or the report is provided.

28 (c) The Department of Commerce, Community, and Economic Development  
29 shall recover any funds [AMOUNTS] erroneously allocated [REFUNDED] under (a)  
30 of this section. The Department of Commerce, Community, and Economic  
31 Development shall schedule repayments of erroneously allocated funds

1 [REFUNDED AMOUNTS] over a sufficient period of time to minimize financial  
2 hardship to the municipality involved.

3 \* **Sec. 83.** AS 04.11.630(b) is amended to read:

4 (b) A license, **endorsement, or permit** issued under this title shall be posted  
5 within the licensed premises **or designated premises** so as to be easily available for  
6 inspection upon request by a peace officer or other person during regular business  
7 hours **or during the period specified on the permit.**

8 \* **Sec. 84.** AS 04.11.680 is amended to read:

9 **Sec. 04.11.680. Duration of licenses, endorsements, and permits.** (a) Upon  
10 application [AND PAYMENT OF ONE-HALF OF THE BIENNIAL FEE], the board  
11 may issue a seasonal license under this title that is effective for the intervals stated on  
12 the license. [A SEASONAL LICENSE MAY NOT BE EFFECTIVE FOR MORE  
13 THAN 12 MONTHS IN A TWO-YEAR PERIOD.] Otherwise, **a license or**  
14 **endorsement** [ALL LICENSES] issued under this title **and a conditional**  
15 **contractor's permit issued under AS 04.09.690 is** [OTHER THAN A RETAIL  
16 STOCK SALE LICENSE ARE] effective for the two calendar years ending  
17 December 31, unless a shorter period is prescribed by the board or by law.

18 (b) A permit issued under this title shall be for **a specific time** [THE] period  
19 [PRESCRIBED BY THE BOARD]. The period shall be clearly designated on the  
20 permit.

21 \* **Sec. 85.** AS 04.16.010(c) is amended to read:

22 (c) **Except as provided in (e) of this section, a** [A] licensee, an agent, or **an**  
23 employee may not permit a person to enter and a person may not enter premises  
24 licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day, **unless**  
25 **the person is**

26 **(1) on the premises to conduct business with the licensee, agent, or**  
27 **employee, and the licensee, agent, or employee is in compliance with (a) and (b)**  
28 **of this section;**

29 **(2) a common carrier with a common carrier dispensary license**  
30 **under AS 04.09.260;**

31 **(3)** [. THIS SUBSECTION DOES NOT APPLY TO COMMON

1 CARRIERS OR TO] an employee of the licensee who is on the premises to prepare  
2 for the next day's business;

3 **(4) performing maintenance or improvements authorized by the**  
4 **licensee; or**

5 **(5) [ A PERSON MAY ENTER OR REMAIN] on the premises [OF**  
6 **A BONA FIDE RESTAURANT OR EATING PLACE LICENSED UNDER THIS**  
7 **TITLE] to consume food or nonalcoholic beverages and the premises are**

8 **(A) licensed under a restaurant or eating place license**  
9 **issued under AS 04.09.210 or a seasonal restaurant or eating place**  
10 **tourism license issued under AS 04.09.360; or**

11 **(B) covered under a restaurant endorsement issued under**  
12 **AS 04.09.450.**

13 \* **Sec. 86.** AS 04.16.010 is amended by adding new subsections to read:

14 (e) A brewery, winery, or distillery retail licensee or an agent or employee of a  
15 brewery, winery, or distillery retail licensee may not permit a person to enter or  
16 remain on and a person may not enter or remain on a premises licensed under this title  
17 between the hours of 9:30 p.m. and 9:00 a.m. each day, unless the person is

18 (1) on the premises to conduct business with the licensee, agent, or  
19 employee, and the licensee, agent, or employee is in compliance with (a) and (b) of  
20 this section;

21 (2) an employee of the licensee who is on the premises to prepare for  
22 the next day's business; or

23 (3) performing maintenance or improvements authorized by the  
24 licensee.

25 (f) A person who violates (a), (b), (c), or (e) of this section is guilty of a  
26 violation.

27 \* **Sec. 87.** AS 04.16.015(a) is amended to read:

28 (a) On premises where alcoholic beverages are sold by the drink, a licensee or  
29 a licensee's agent or employee may not

30 (1) offer or deliver, as a marketing device to the general public, free  
31 alcoholic beverages to a patron, **except as provided for the holder of a**

1 manufacturer sampling endorsement under AS 04.09.410 or a package store  
2 sampling endorsement under AS 04.09.490;

3 (2) deliver an alcoholic beverage to a person already possessing two or  
4 more;

5 (3) sell, offer to sell, or deliver alcoholic beverages to a person or  
6 group of persons at a price less than the price regularly charged for the beverages  
7 during a consecutive seven-day period [THE SAME CALENDAR WEEK], except at  
8 private functions not open to the general public;

9 (4) sell, offer to sell, or deliver an unlimited number of alcoholic  
10 beverages to a person or group of persons during a set period of time for a fixed price;

11 (5) sell, offer to sell, or deliver alcoholic beverages to a person or  
12 group of persons on any one day at prices less than those charged the general public  
13 on that day, except at private functions not open to the general public;

14 (6) encourage or permit an organized game or contest on the licensed  
15 premises that involves drinking alcoholic beverages or the awarding of alcoholic  
16 beverages as prizes.

17 \* **Sec. 88.** AS 04.16.015 is amended by adding a new subsection to read:

18 (e) A person who violates this section is guilty of a violation.

19 \* **Sec. 89.** AS 04.16 is amended by adding a new section to read:

20 **Sec. 04.16.017. Trade practices.** (a) A person holding a license under  
21 AS 04.09.020, 04.09.030, 04.09.040, 04.09.100, or 04.09.110 or engaged in the  
22 alcoholic beverage industry in another state or country as a brewer, vintner, distiller,  
23 or importer, or as an agent of a brewer, vintner, distiller, or importer, may not, except  
24 as provided in regulations adopted by the board under (b) of this section, induce a  
25 person holding a license under this title to

26 (1) operate as a tied house by inducing a retailer engaged in the sale of  
27 alcoholic beverages to purchase products from an entity to the exclusion, in whole or  
28 in part, of products sold or offered for sale by other entities by

29 (A) furnishing, giving, renting, lending, or selling to the retailer  
30 equipment fixtures, signs, supplies, money, services, or other things of value,  
31 except those excluded in regulation and determined to be not contrary to the

1 public interest or contrary to the intent of this subsection;

2 (B) paying or crediting the retailer for an advertising, display,  
3 or distribution service;

4 (C) guaranteeing a loan or the repayment of a financial  
5 obligation of the retailer;

6 (D) extending to the retailer credit for a period in excess of the  
7 credit period usual and customary to the industry for the particular class of  
8 transactions; or

9 (E) requiring the retailer to take and dispose of a certain quota  
10 of the products;

11 (2) operate as an exclusive outlet by requiring that a retailer engaged in  
12 the sale of alcoholic beverages purchase products from an entity to the exclusion, in  
13 whole or in part, of alcoholic beverages sold or offered for sale by other entities;

14 (3) purchase products from an entity to the exclusion, in whole or in  
15 part, of products sold or offered for sale by other entities by

16 (A) commercial bribery; or

17 (B) offering or giving any bonus, premium, or compensation to  
18 an officer, employee, or representative of the licensee;

19 (4) enter into an agreement for consignment sales, or to purchase, offer  
20 to purchase, or contract to purchase products on consignment, under conditional sale,  
21 or with the privilege of return on any basis other than a bona fide sale, or where part of  
22 the transaction involves, directly or indirectly, the acquisition by an entity from the  
23 licensee, or the entity's agreement to acquire from the licensee, other alcoholic  
24 beverages, except that this paragraph does not apply to transactions involving solely  
25 the return of merchandise for ordinary and usual commercial reasons arising after the  
26 merchandise has been sold.

27 (b) The board shall adopt regulations providing exceptions to the practices  
28 listed under (a) of this section that are

29 (1) consistent with federal law at the time of the effective date of this  
30 section;

31 (2) necessary to avoid practical difficulty or undue hardship on a

1 licensee;

2 (3) in the best interests of the public; and

3 (4) consistent with the requirements of this title.

4 (c) The board shall adopt regulations establishing administrative penalties for  
5 a violation of this section.

6 (d) In this section, "commercial bribery," "consignment sales," "exclusive  
7 outlet," and "tied house" have the meanings given in 27 U.S.C. 205 and regulations  
8 adopted under that section.

9 \* **Sec. 90.** AS 04.16.020 is amended by adding new subsections to read:

10 (d) A person who violates a provision of this section commits the offense of  
11 unauthorized solicitation or purchase of alcoholic beverages.

12 (e) Unauthorized solicitation or purchase of alcoholic beverages is a violation  
13 and is punishable by a fine of \$100.

14 \* **Sec. 91.** AS 04.16 is amended by adding a new section to read:

15 **Sec. 04.16.022. Online sale and purchase of alcoholic beverages.** (a) A  
16 licensee or a licensee's agent or employee may not sell or offer to sell alcoholic  
17 beverages to the public online unless the licensee holds a manufacturer direct  
18 shipment license issued under AS 04.09.370 or a package store shipping endorsement  
19 under AS 04.09.460.

20 (b) A person may not purchase alcoholic beverages online except from the  
21 holder of a manufacturer direct shipment license issued under AS 04.09.370 or a  
22 package store shipping endorsement under AS 04.09.460.

23 (c) A person who violates (a) of this section is, upon conviction, guilty of a  
24 class A misdemeanor.

25 (d) A person who violates (b) of this section is guilty of a violation.

26 \* **Sec. 92.** AS 04.16.025(a) is amended to read:

27 (a) A person may not knowingly enter or remain on premises

28 (1) in which alcoholic beverages are manufactured, sold, offered for  
29 sale, possessed for sale or barter, trafficked in, or bartered in violation of

30 (A) **AS 04.09.060, 04.09.850, or** AS 04.11.010; or

31 (B) a municipal ordinance adopted under AS 04.21.010(a) or

1 (b); or

2 (2) licensed under this title during hours in which the person's presence  
3 on the premises is a violation of a municipal ordinance adopted under authority of  
4 AS 04.16.010(d) providing for hours of closure that are outside the hours of closure  
5 prescribed by AS 04.16.010(c) **or (e)**.

6 \* **Sec. 93.** AS 04.16.030 is amended by adding new subsections to read:

7 (c) A person who violates this section commits the offense of prohibited  
8 conduct relating to a drunken person.

9 (d) Prohibited conduct relating to a drunken person is a violation, punishable  
10 by a fine of \$500.

11 (e) The holder of a license is strictly and vicariously liable for an offense  
12 committed under (c) of this section by an employee or agent of the licensee on the  
13 licensed premises, punishable by an administrative penalty of \$250. Notwithstanding  
14 AS 04.11.370(a)(4) and (5) and AS 04.16.180(b)(1), the board may not order  
15 suspension of the license for the first violation committed on the licensed premises  
16 under this section.

17 (f) A licensee who knowingly allows an agent or employee of the licensee to  
18 commit the offense of prohibited conduct relating to a drunken person under (c) of this  
19 section commits the crime of failure to ensure compliance relating to a drunken  
20 person.

21 (g) Failure to ensure compliance relating to a drunken person is a class A  
22 misdemeanor.

23 \* **Sec. 94.** AS 04.16.035 is amended to read:

24 **Sec. 04.16.035. Possession of ingredients for homebrew in certain areas.** A  
25 person residing in an area that has adopted a local option **under AS 04.11.491** [TO  
26 PROHIBIT THE SALE, IMPORTATION, AND POSSESSION OF ALCOHOLIC  
27 BEVERAGES UNDER AS 04.11.491(a)(5) OR (b)(4)] may not possess sugar,  
28 artificial sugar, malt, yeast, or any other material or equipment with the intent to use  
29 the material or equipment to create an alcoholic beverage.

30 \* **Sec. 95.** AS 04.16.035 is amended by adding new subsections to read:

31 (b) A person who knowingly violates this section commits the crime of

1 possession of ingredients for homebrew.

2 (c) Possession of ingredients for homebrew is a class A misdemeanor.

3 \* **Sec. 96.** AS 04.16.040 is amended by adding new subsections to read:

4 (b) A person who violates this section commits the offense of prohibited  
5 access by a drunken person.

6 (c) Prohibited access by a drunken person is a violation.

7 \* **Sec. 97.** AS 04.16.045 is amended by adding new subsections to read:

8 (b) A person who violates this section commits the offense of permitting  
9 consumption not authorized under a license.

10 (c) Permitting consumption not authorized under a license is a violation.

11 \* **Sec. 98.** AS 04.16.047 is amended by adding new subsections to read:

12 (d) A person who is restricted from purchasing alcohol under AS 04.16.160  
13 who knowingly violates (a) of this section commits the crime of entering or remaining  
14 on licensed premises.

15 (e) Entering or remaining on licensed premises is a class A misdemeanor.

16 \* **Sec. 99.** AS 04.16.049(a) is amended to read:

17 (a) A person under 21 years of age may not knowingly enter or remain in  
18 premises licensed under this title unless

19 (1) accompanied by a parent, guardian, or spouse who has attained 21  
20 years of age;

21 (2) the person is **allowed to enter and remain on** [AT LEAST 16  
22 YEARS OF AGE,] the premises **under a restaurant or eating place license issued**  
23 **under AS 04.09.210, seasonal restaurant or eating place tourism license issued**  
24 **under AS 04.09.360, or restaurant endorsement issued under AS 04.09.450** [ARE  
25 DESIGNATED BY THE BOARD AS A RESTAURANT FOR THE PURPOSES OF  
26 THIS SECTION, AND THE PERSON ENTERS AND REMAINS ONLY FOR  
27 DINING;

28 (3) THE PERSON IS UNDER 16 YEARS OF AGE, IS  
29 ACCOMPANIED BY A PERSON OVER 21 YEARS OF AGE, THE PARENT OR  
30 GUARDIAN OF THE UNDERAGED PERSON CONSENTS, THE PREMISES ARE  
31 DESIGNATED BY THE BOARD AS A RESTAURANT FOR THE PURPOSES OF

1 THIS SECTION, AND THE PERSON ENTERS AND REMAINS ONLY FOR  
2 DINING];

3 (3) [(4)] the person is permitted on the premises under a club license  
4 issued under **AS 04.09.220(g) or former** AS 04.11.110(g); or

5 (4) [(5)] otherwise provided under (c), (d), or (g) of this section.

6 \* **Sec. 100.** AS 04.16.049(c) is amended to read:

7 (c) Notwithstanding any other provision in this section, a person 16 or 17  
8 years of age may enter and remain within the licensed premises of a hotel **or motel,**  
9 **large resort,** golf course, **general wholesaler, limited brewed beverage and wine**  
10 **wholesaler, common carrier dispensary, outdoor recreation lodge,** or restaurant  
11 [OR EATING PLACE] in the course of employment if

12 (1) the employment does not involve the serving, mixing, delivering,  
13 or dispensing of alcoholic beverages;

14 (2) the person has the written consent of a parent or guardian; and

15 (3) an exemption from the prohibition of AS 23.10.355 is granted by  
16 the Department of Labor and Workforce Development. [THE BOARD, WITH THE  
17 APPROVAL OF THE GOVERNING BODY HAVING JURISDICTION AND AT  
18 THE LICENSEE'S REQUEST, SHALL DESIGNATE WHICH PREMISES ARE  
19 HOTELS, GOLF COURSES, RESTAURANTS, OR EATING PLACES FOR THE  
20 PURPOSES OF THIS SUBSECTION.]

21 \* **Sec. 101.** AS 04.16.049(d) is amended to read:

22 (d) Notwithstanding any other provision in this section, a person 18, 19, or 20  
23 years of age may be employed within the licensed premises of a hotel **or motel, large**  
24 **resort,** golf course, **general wholesaler, limited brewed beverage and wine**  
25 **wholesaler, common carrier dispensary, outdoor recreation lodge,** or restaurant  
26 [OR EATING PLACE], may enter and remain within those premises for the purpose  
27 of employment, but may not, in the course of employment, sell, serve, deliver, or  
28 dispense alcoholic beverages.

29 \* **Sec. 102.** AS 04.16.049 is amended by adding a new subsection to read:

30 (j) Notwithstanding any other provision in this section, a person under 21  
31 years of age may be present on the licensed premises of a common carrier dispensary,

1 destination resort, or outdoor recreation lodge for the purpose of travel, travel lodging,  
2 or outdoor recreation activities provided by the licensee if the person is

3 (1) at least 16 years of age; or

4 (2) under 16 years of age and a parent or legal guardian of the  
5 underaged person consents.

6 \* **Sec. 103.** AS 04.16.051(d) is repealed and reenacted to read:

7 (d) A person who, with criminal negligence, furnishes or delivers an alcoholic  
8 beverage to a person under 21 years of age in violation of (a) of this section commits  
9 the crime of furnishing or delivering to a minor.

10 \* **Sec. 104.** AS 04.16.051 is amended by adding a new subsection to read:

11 (e) Furnishing or delivering to a minor is

12 (1) a class A misdemeanor, except as provided in (2) of this  
13 subsection;

14 (2) a class C felony if

15 (A) within the five years preceding the violation, the person has  
16 been previously convicted under

17 (i) this section; or

18 (ii) a law or ordinance of this or another jurisdiction  
19 with elements substantially similar to this section;

20 (B) the person who receives the alcoholic beverage negligently  
21 causes serious physical injury to or the death of another person while under the  
22 influence of the alcoholic beverage received in violation of this section; in this  
23 subparagraph,

24 (i) "negligently" means acting with civil negligence;

25 and

26 (ii) "serious physical injury" has the meaning given in  
27 AS 11.81.900(b); or

28 (C) the violation occurs within the boundaries of a municipality  
29 or the perimeter of an established village that has adopted a local option under  
30 AS 04.11.491 and has not opted out of applying a class C felony to violations  
31 of this section under AS 04.11.491(g).

1 \* **Sec. 105.** AS 04.16.052 is amended by adding new subsections to read:

2 (b) The holder of a license is strictly liable for an offense committed under (a)  
3 of this section by an employee or agent of the licensee on the licensed premises,  
4 punishable by an administrative penalty of \$250. Notwithstanding AS 04.11.370(a)(4)  
5 and (5) and AS 04.16.180(b)(1), the board may not order suspension of the license for  
6 the first violation committed on the licensed premises under this section.

7 (c) A person who violates (a) of this section commits the offense of licensee,  
8 employee, or agent furnishing alcohol to a minor.

9 (d) Licensee, employee, or agent furnishing alcohol to a minor is a violation  
10 and is punishable by a fine of \$500.

11 (e) A licensee who knowingly allows an agent or employee of the licensee to  
12 commit the offense of licensee, employee, or agent furnishing alcohol to a minor  
13 under (c) of this section commits the crime of failure to ensure compliance relating to  
14 furnishing alcohol to a minor.

15 (f) Failure to ensure compliance relating to furnishing alcohol to a minor is a  
16 class A misdemeanor.

17 \* **Sec. 106.** AS 04.16.055 is amended by adding new subsections to read:

18 (b) A person who knowingly rents a room in a hotel, motel, resort, or similar  
19 business for the purpose of providing alcoholic beverages to a person under 21 years  
20 of age commits the crime of renting a room for the purpose of providing alcoholic  
21 beverages to a person under 21 years of age.

22 (c) Renting a room for the purpose of providing alcoholic beverages to a  
23 person under 21 years of age is a class A misdemeanor.

24 \* **Sec. 107.** AS 04.16.057(b) is amended to read:

25 (b) A person who violates this section is guilty of a violation and **is**  
26 **punishable by a fine of \$500** [SHALL BE PUNISHED AS PROVIDED IN  
27 AS 12.55].

28 \* **Sec. 108.** AS 04.16.060(e) is amended to read:

29 (e) A person under the age of 21 who is seeking to enter and remain in a  
30 licensed premises under AS 04.16.049(a)(2) [OR (3)] may not misrepresent the  
31 person's age or having obtained the consent of the parent or guardian required by that

1 section.

2 \* **Sec. 109.** AS 04.16.060 is amended by adding new subsections to read:

3 (g) A person who violates (a) of this section commits the offense of purchase  
4 by a person under 21 years of age.

5 (h) A person who violates (b) or (c) of this section commits the offense of  
6 delivery to a person under 21 years of age.

7 (i) Purchase by a person under 21 years of age is a violation and is punishable  
8 by a fine of \$500.

9 (j) Delivery to a person under 21 years of age is a violation and is punishable  
10 by a fine of \$500.

11 (k) For a person under 21 years of age who commits an offense under (g) of  
12 this section, the violation must be charged and filed with the court as a separate case  
13 and may not be combined or joined with any other minor offense or criminal charge in  
14 one action at the time of filing. A court may reduce the fine to \$50 for a person who  
15 has not more than one previous violation or to \$250 for a person who has two or more  
16 previous violations if the person provides the court, not later than six months after a  
17 judgment of conviction is entered, with proof of completion of

18 (1) an alcohol safety action program or a juvenile alcohol safety action  
19 program developed, designated, or approved by the Department of Health under  
20 AS 47.37; or

21 (2) a community diversion panel.

22 \* **Sec. 110.** AS 04.16.080 is amended to read:

23 **Sec. 04.16.080. Consumption [SALES OR CONSUMPTION] at school**  
24 **events.** A person **who is 21 years of age or older** may not [SELL OR] consume  
25 alcoholic beverages during a school event at the site of the event **if the event is**  
26 **expected to attract attendees under 21 years of age.**

27 \* **Sec. 111.** AS 04.16.080 is amended by adding new subsections to read:

28 (b) A person who is 21 years of age or older who consumes an alcoholic  
29 beverage during a school event at the site of the event under (a) of this section  
30 commits the offense of consuming at a school event.

31 (c) Consuming at a school event is a violation and is punishable by a fine of

1           \$100.

2   \* **Sec. 112.** AS 04.16.090(c) is amended to read:

3           (c) **In** [FOR THE PURPOSES OF] this section, "consideration" includes **a**  
4           [BUT IS NOT LIMITED TO] cover charge, the sale of food, ice, mixers, or other  
5           liquids used with alcoholic beverage drinks, [OR] the furnishing of glassware or other  
6           containers for use in the consumption of alcoholic beverages, **other charges for**  
7           **access to the licensed premises, or other services or products provided on the**  
8           **licensed premises.**

9   \* **Sec. 113.** AS 04.16.090 is amended by adding new subsections to read:

10          (d) A person who knowingly violates this section commits the crime of  
11          maintaining a bottle club.

12          (e) Maintaining a bottle club is a class A misdemeanor.

13   \* **Sec. 114.** AS 04.16.110 is amended by adding new subsections to read:

14          (b) A person who knowingly sells an alcoholic beverage in violation of (a) of  
15          this section commits the crime of sale of a prohibited alcoholic beverage.

16          (c) Sale of a prohibited alcoholic beverage is a class A misdemeanor.

17   \* **Sec. 115.** AS 04.16.120 is amended by adding new subsections to read:

18          (d) A person who removes an alcoholic beverage from licensed premises in  
19          violation of (a) of this section and a person who brings an alcoholic beverage onto  
20          licensed premises in violation of (b) of this section commits the offense of removal or  
21          introduction of alcoholic beverages.

22          (e) Notwithstanding (a) of this section, the holder of a beverage dispensary  
23          license under AS 04.09.200, the holder of a beverage dispensary tourism license under  
24          AS 04.09.350, or the holder's employee may transport alcoholic beverages across  
25          unlicensed portions of a hotel, motel, or large resort if the

26                  (1) licensee holds an endorsement under AS 04.09.430 or 04.09.440;

27          and

28                  (2) licensee or employee is walking directly from one licensed area of  
29          the premises to another licensed area.

30          (f) Notwithstanding (a) of this section, a person may remove alcoholic  
31          beverages from the licensed premises of a beverage dispensary license under

1 AS 04.09.200 or a beverage dispensary tourism license under AS 04.09.350 for  
2 consumption on unlicensed portions of a large resort if the licensee holds a large resort  
3 endorsement under AS 04.09.440.

4 (g) Removal or introduction of alcoholic beverages is a violation and is  
5 punishable by a fine of \$100.

6 \* **Sec. 116.** AS 04.16.125(a) is amended to read:

7 (a) A person may not use a common carrier to transport alcoholic beverages  
8 into an area that has restricted the sale of alcoholic beverages under  
9 AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) unless

10 (1) the shipping container holding the alcoholic beverages is clearly  
11 labeled as containing alcoholic beverages [WITH LETTERS THAT CONTRAST IN  
12 COLOR TO THE SHIPPING CONTAINER AND THAT ARE AT LEAST TWO  
13 INCHES IN HEIGHT]; and

14 (2) an itemized invoice showing the quantity and purchase value of  
15 distilled spirits, [OF] wine, and **brewed** [OF MALT] beverages is attached to the  
16 outside of the shipping container.

17 \* **Sec. 117.** AS 04.16.125(b) is amended to read:

18 (b) **The requirements in (a) of this section do** [THIS SECTION DOES] not  
19 apply to

20 (1) a person transporting [NOT MORE THAN]

21 (A) two liters **or less** of wine;

22 (B) one gallon **or less** of **brewed** [MALT] beverages; or

23 (C) one liter **or less** of distilled spirits; or

24 (2) the transportation of alcoholic beverages for use on premises  
25 allowed under **AS 04.11.491(a)(2) or (3)** [AS 04.11.491(a)(2) - (3)] or (b)(2) or for  
26 use under a permit allowed under AS 04.11.491(a)(2).

27 \* **Sec. 118.** AS 04.16.125 is amended by adding new subsections to read:

28 (d) A person who knowingly violates this section commits the crime of  
29 unauthorized transportation of alcoholic beverages by common carrier into a local  
30 option area.

31 (e) Unauthorized transportation of alcoholic beverages by common carrier into

1 a local option area is a class A misdemeanor.

2 \* **Sec. 119.** AS 04.16.130 is amended by adding new subsections to read:

3 (c) A person who violates this section commits the offense of unauthorized  
4 storage of alcoholic beverages.

5 (d) Unauthorized storage of alcoholic beverages is a violation.

6 \* **Sec. 120.** AS 04.16.140 is amended by adding new subsections to read:

7 (b) A person who knowingly violates (a) of this section commits the offense  
8 of sale or consumption of an alcoholic beverage in a warehouse.

9 (c) Sale or consumption of an alcoholic beverage in a warehouse is a violation.

10 \* **Sec. 121.** AS 04.16.150 is amended by adding new subsections to read:

11 (b) Except as provided under AS 04.16.030(f) and 04.16.052(e), a licensee  
12 who knowingly violates (a) of this section commits the offense of failure to ensure  
13 compliance.

14 (c) Failure to ensure compliance is a violation.

15 \* **Sec. 122.** AS 04.16.160 is amended by adding new subsections to read:

16 (c) A person who knowingly fails to comply with a restriction on purchasing  
17 alcoholic beverages in violation of (a) of this section commits the crime of failure to  
18 comply with a restriction on purchasing alcoholic beverages.

19 (d) Failure to comply with a restriction on purchasing alcoholic beverages is a  
20 class A misdemeanor.

21 \* **Sec. 123.** AS 04.16.170(b) is amended to read:

22 (b) A person transporting alcoholic beverages into the state may not sell those  
23 alcoholic beverages to a person not licensed under this title, unless the alcoholic  
24 beverages are used for religious, industrial, pharmaceutical, or medical purposes, **or as**  
25 **allowed under AS 04.09.370.**

26 \* **Sec. 124.** AS 04.16.170 is amended by adding new subsections to read:

27 (c) A licensee who knowingly violates (a) or (b) of this section commits the  
28 crime of sale of alcoholic beverages from or to an unlicensed person.

29 (d) Sale of alcoholic beverages from or to an unlicensed person is a class A  
30 misdemeanor.

31 \* **Sec. 125.** AS 04.16.172 is amended to read:

1                   **Sec. 04.16.172. Restrictions on purchase and sale of alcoholic beverages.** A  
2 person licensed under AS 04.09.200, 04.09.210, 04.09.220, 04.09.230, 04.09.270,  
3 04.09.280, 04.09.290, 04.09.300, 04.09.310, 04.09.320, 04.09.330, 04.09.340,  
4 04.09.350, or 04.09.360 [AS 04.11.090, 04.11.100, 04.11.110, OR 04.11.150] may not  
5 purchase, sell, or offer for sale an alcoholic beverage unless the alcoholic beverage  
6 being purchased, sold, or offered for sale was obtained from a person licensed under  
7                   (1) AS 04.09.100 or 04.09.110 [AS 04.11.160] as a primary source of  
8 supply for the alcoholic beverage being purchased, sold, or offered for sale;  
9                   (2) AS 04.09.230 [AS 04.11.150] and the alcoholic beverage being  
10 purchased, sold, or offered for sale was obtained from a person licensed under  
11 AS 04.09.100 or 04.09.110 [AS 04.11.160] as a primary source of supply; or  
12                   (3) AS 04.09.020, 04.09.030, or 04.09.040 [AS 04.11.130, 04.11.140,  
13 OR 04.11.170].

14 \* **Sec. 126.** AS 04.16.172 is amended by adding new subsections to read:

15                   (b) A licensee who knowingly violates (a) of this section commits the crime of  
16 licensee obtaining alcoholic beverages from an unlicensed seller.

17                   (c) Licensee obtaining alcoholic beverages from an unlicensed seller is a class  
18 A misdemeanor.

19 \* **Sec. 127.** AS 04.16.175 is amended by adding new subsections to read:

20                   (c) A person who knowingly furnishes an alcoholic beverage to a player in  
21 violation of (a) of this section commits the crime of furnishing an alcoholic beverage  
22 in aid of a gambling enterprise.

23                   (d) Furnishing an alcoholic beverage in aid of a gambling enterprise is a class  
24 A misdemeanor.

25 \* **Sec. 128.** AS 04.16.180(b) is amended to read:

26                   (b) A suspension or revocation of a license ordered by the board under  
27 AS 04.11.370(a)(4) and (5) shall be as follows:

28                   (1) on first conviction, the license of the premises involved may not be  
29 revoked, but, except as provided in AS 04.16.030 and 04.16.052, may be suspended  
30 for not more than 45 days;

31                   (2) on second conviction, the license of the premises involved may not

1 be revoked, but may be suspended for not more than 90 days;

2 (3) on third conviction, the license of the premises involved may be  
3 suspended or revoked.

4 \* **Sec. 129.** AS 04.16.180(e) is amended to read:

5 (e) In this section,

6 **(1) "conviction" includes a conviction of a violation, a**  
7 **misdemeanor, and a felony;**

8 **(2)** [THE TERMS] "second conviction" and "third conviction" include  
9 only convictions for violations that occur within five years **after** [OF] the first  
10 conviction; **the** [. THE] terms refer to the cumulative number of convictions of a  
11 licensee of any combination of violations of the provisions of this title, regulations  
12 adopted under this title, or ordinances adopted under AS 04.21.010; [. THE TERMS]  
13 "second conviction" and "third conviction" include a conviction of the agent or  
14 employee of a licensee of a violation of a law, regulation, or ordinance if the  
15 conviction constitutes a ground for suspension or revocation under  
16 AS 04.11.370(a)(5).

17 \* **Sec. 130.** AS 04.16.180 is amended by adding new subsections to read:

18 (f) In addition to the criminal penalties specified in this title and AS 12.55, a  
19 holder of a license under this title who is convicted of a crime or offense involving the  
20 violation of a provision of this title or a regulation adopted under this title is subject to  
21 suspension or revocation of the license under this section and other administrative  
22 penalties imposed by the board. For purposes of administrative penalties under this  
23 subsection, each violation is a separate offense.

24 (g) The holder of a license subject to suspension or revocation under (b)(2) or  
25 (3) of this section may request a hearing to petition the board to reduce the  
26 administrative penalty. The board may reduce the administrative penalty if the  
27 licensee shows, by a preponderance of the evidence, that

28 (1) the licensee complied with the alcohol server education course  
29 requirement of AS 04.21.025 and adopted and enforced a compliance program and a  
30 disciplinary program for agents and employees of the licensee;

31 (2) the licensee has a pattern and practice of exercising the degree of

1 care required under AS 04.16.030;

2 (3) the licensee posted warning signs as required under AS 04.21.065;  
3 and

4 (4) in the case of a conviction for a violation of AS 04.16.030 or  
5 04.16.052, the agent or employee convicted under AS 04.16.030 or 04.16.052  
6 completed an alcohol server education course under AS 04.21.025.

7 \* **Sec. 131.** AS 04.16.220(a) is amended to read:

8 (a) The following are subject to forfeiture:

9 (1) alcoholic beverages manufactured, sold, offered for sale, possessed  
10 for sale, or bartered or exchanged for goods and services in this state in violation of  
11 **AS 04.09.060, 04.09.850, or** AS 04.11.010; alcoholic beverages possessed, stocked,  
12 warehoused, or otherwise stored in violation of AS 04.21.060; alcoholic beverages  
13 sold or offered for sale in violation of a local option adopted under AS 04.11.491;  
14 alcoholic beverages transported into the state and sold to persons not licensed under  
15 this **title** [CHAPTER] in violation of AS 04.16.170(b); alcoholic beverages  
16 transported in violation of **AS 04.09.750 or** AS 04.16.125;

17 (2) materials and equipment used in the manufacture, sale, offering for  
18 sale, possession for sale, or barter or exchange of alcoholic beverages for goods and  
19 services in this state in violation of **AS 04.09.060, 04.09.850, or** AS 04.11.010;  
20 materials and equipment used in the stocking, warehousing, or storage of alcoholic  
21 beverages in violation of AS 04.21.060; materials and equipment used in the sale or  
22 offering for sale of an alcoholic beverage in an area in violation of a local option  
23 adopted under AS 04.11.491;

24 (3) aircraft, vehicles, or vessels used to transport or facilitate the  
25 transportation of

26 (A) alcoholic beverages manufactured, sold, offered for sale,  
27 possessed for sale, or bartered or exchanged for goods and services in this state  
28 in violation of **AS 04.09.060, 04.09.850, or** AS 04.11.010;

29 (B) property stocked, warehoused, or otherwise stored in  
30 violation of AS 04.21.060;

31 (C) alcoholic beverages imported into a municipality or

1 established village in violation of AS 04.11.499(a);

2 (4) alcoholic beverages found on licensed premises that do not bear  
3 federal excise stamps if excise stamps are required under federal law;

4 (5) alcoholic beverages, materials, or equipment used in violation of  
5 AS 04.16.175;

6 (6) money, securities, negotiable instruments, or other things of value  
7 used in financial transactions or items of value purchased from the proceeds derived  
8 from activity prohibited under AS 04.09.060, 04.09.850, or AS 04.11.010 or in  
9 violation of a local option adopted under AS 04.11.491;

10 (7) a firearm used in furtherance of a violation of this title.

11 \* **Sec. 132.** AS 04.16.220(d) is amended to read:

12 (d) Property subject to forfeiture under (a) of this section may be forfeited

13 (1) upon conviction of a person for a violation of AS 04.09.060,  
14 04.09.750, 04.09.850, AS 04.11.010, 04.11.499, AS 04.16.125, AS 04.21.060, or  
15 AS 04.11.501 or an ordinance adopted under AS 04.11.501; or

16 (2) upon judgment by the superior court in a proceeding in rem that the  
17 property was used in a manner subjecting it to forfeiture under (a) of this section.

18 \* **Sec. 133.** AS 04.16.220(g) is amended to read:

19 (g) It is no defense in an in rem forfeiture proceeding brought under (d)(2) of  
20 this section that a criminal proceeding is pending or has resulted in conviction or  
21 acquittal of a person charged with violating AS 04.09.060, 04.09.850, AS 04.11.010,  
22 04.11.499, or AS 04.21.060.

23 \* **Sec. 134.** AS 04.16.220(i) is amended to read:

24 (i) Upon conviction for a violation of AS 04.09.060, 04.09.850, AS 04.11.010,  
25 or 04.11.499(a), if an aircraft, vehicle, or watercraft is subject to forfeiture under (a) of  
26 this section, the court shall, subject to remission to innocent parties under this section,

27 (1) order the forfeiture of an aircraft to the state;

28 (2) order the forfeiture of a vehicle or watercraft if

29 (A) the defendant has a prior felony conviction for a violation  
30 of AS 11.41 or a similar law in another jurisdiction;

31 (B) the defendant is on felony probation or parole;

1 (C) the defendant has a prior conviction for violating  
2 AS 04.11.010 or 04.11.499(a); or

3 (D) the quantity of alcohol transported in violation of this title  
4 was twice the presumptive amounts in AS 04.11.010(c).

5 \* **Sec. 135.** AS 04.21 is amended by adding a new section to read:

6 **Sec. 04.21.012. Keg registration.** (a) A person may not purchase a keg or  
7 similar container holding four or more gallons of an alcoholic beverage unless the  
8 person provides proof that the person is over 21 years of age and completes and signs  
9 a registration form. The purchaser of a keg or similar container holding four or more  
10 gallons of an alcoholic beverage may not remove or obliterate the temporary  
11 identifying tag on the keg or container.

12 (b) A licensee or an agent or employee of a licensee who sells or offers for  
13 sale a keg or similar container holding four or more gallons of an alcoholic beverage  
14 shall require a purchaser to show acceptable proof of age under AS 04.21.050(b) and  
15 sign the sworn statement on a registration form. The licensee shall complete the  
16 registration form and affix a temporary tag with a unique identifier to the keg or  
17 container before releasing the container to the purchaser. The licensee shall retain a  
18 copy of the form for one year and make the form available for inspection.

19 (c) The board shall prescribe a registration form for use by licensees and  
20 purchasers. The board may approve for use a registration form adopted by a local  
21 governing body. A registration form must include

22 (1) the name of the seller;

23 (2) the name of the purchaser;

24 (3) a description of the proof of age provided by the buyer, including  
25 the identification number, if any;

26 (4) the unique identifier on the temporary tag attached to the keg or  
27 container under (b) of this section.

28 (d) A licensee or an agent or employee of a licensee who sells a keg or similar  
29 container holding four or more gallons of an alcoholic beverage without completing a  
30 registration form or affixing a temporary identification tag to the keg or container  
31 commits the crime of selling alcoholic beverages in an unregistered keg.

1 (e) A person who is not licensed under this title or the employee or agent of a  
2 person who is not licensed under this title who possesses a keg or similar container  
3 holding four or more gallons of an alcoholic beverage without a temporary  
4 identification tag commits the crime of possessing alcoholic beverages in an  
5 unregistered keg.

6 (f) Selling alcoholic beverages in an unregistered keg is a violation.

7 (g) Possessing alcoholic beverages in an unregistered keg is a violation and is  
8 punishable by a fine of \$100.

9 \* **Sec. 136.** AS 04.21.020(a) is amended to read:

10 (a) Except as provided under (b) and (d) of this section, a person who provides  
11 alcoholic beverages to another person may not be held civilly liable for injuries  
12 resulting from the intoxication of that person unless the person who provides the  
13 alcoholic beverages holds a license authorized under **AS 04.09.020 - 04.09.370**  
14 [AS 04.11.080 - 04.11.220] or is an agent or employee of [SUCH] a licensee and

15 (1) the alcoholic beverages are provided to a person under [THE AGE  
16 OF] 21 years **of age** in violation of AS 04.16.051, unless the licensee, agent, or  
17 employee secures in good faith from the person a signed statement, liquor  
18 identification card, or driver's license meeting the requirements of AS 04.21.050(a)  
19 and (b), that indicates that the person is 21 years of age or older; or

20 (2) the alcoholic beverages are provided to a drunken person in  
21 violation of AS 04.16.030.

22 \* **Sec. 137.** AS 04.21.020(b) is amended to read:

23 (b) A person who sells or barter an alcoholic beverage to another person in  
24 violation of **AS 04.09.060, 04.09.850, or** AS 04.11.010 is strictly liable (1) to the  
25 recipient or another person for civil damages if, while under the influence of the  
26 alcoholic beverage, the person receiving the alcoholic beverage engages in conduct  
27 that results in civil damages and the recipient's being under the influence of the  
28 alcoholic beverage substantially contributes to the civil damages; and (2) for the cost  
29 to the state or a political subdivision of the state to criminally prosecute a person who  
30 receives an alcoholic beverage from a person who violates AS 04.11.010 if the  
31 prosecution results from the violation of AS 04.11.010 described in this subsection.

1 \* **Sec. 138.** AS 04.21.025(a) is repealed and reenacted to read:

2 (a) Except as provided under (e) and (f) of this section, as a condition of  
3 issuance or renewal of a license or conditional contractor's permit and selling alcoholic  
4 beverages under a license or conditional contractor's permit, the board shall require a  
5 licensee or permittee who sells or serves alcoholic beverages and a licensee's or  
6 permittee's agents and employees who sell or serve alcoholic beverages or check the  
7 identification of a patron to complete an alcohol server education course approved by  
8 the board.

9 \* **Sec. 139.** AS 04.21.025(b) is amended to read:

10 (b) The subjects that are included in an approved alcohol server education  
11 course shall be determined under regulations adopted by the board. In approving  
12 alcohol server education courses, the board shall consider the needs of both urban and  
13 rural licensees regarding access to an approved alcohol server education course **and**  
14 **allow a licensee, permittee, agent, or employee to complete an alcohol server**  
15 **education course online or in person.** A licensee, **permittee,** agent, or employee  
16 who sells or serves alcoholic beverages shall keep the card described in (c) of this  
17 section or other proof acceptable to the board of successful completion of an approved  
18 alcohol server education course on the licensed premises during working hours.

19 \* **Sec. 140.** AS 04.21.025(c) is amended to read:

20 (c) A licensee, **permittee,** agent, or employee shall complete the course  
21 required under (a) of this section and pass a written test, **online or in person,**  
22 demonstrating an understanding of the course subjects not more than 30 days after  
23 being licensed, **permitted,** or employed. The course provider shall issue a card to each  
24 individual who completes the course and passes the written test. A card issued under  
25 this subsection is valid for three years from the date of issue. A licensee, **permittee,**  
26 agent, or employee may renew a card issued under this section; to renew the card, the  
27 licensee, **permittee,** agent, or employee must pass a written test demonstrating an  
28 understanding of the course subjects. **Notwithstanding the 30-day period for**  
29 **completing the course and passing the written test under this subsection, a person**  
30 **may not sell or serve alcoholic beverages or check the identification of a patron at**  
31 **a permitted event under AS 04.09.600 - 04.09.690 unless the person possesses a**

1            **valid card issued before the event.**

2            \* **Sec. 141.** AS 04.21.025 is amended by adding new subsections to read:

3                            (f) This section does not apply to the following licenses:

4    (1) brewery manufacturer license under AS 04.09.020, unless the  
5                            licensee holds a manufacturer sampling endorsement;

6    (2) winery manufacturer license under AS 04.09.030, unless the  
7                            licensee holds a manufacturer sampling endorsement;

8    (3) distillery manufacturer license under AS 04.09.040, unless the  
9                            licensee holds a manufacturer sampling endorsement;

10     (4) general wholesale license under AS 04.09.100;

11     (5) limited wholesale brewed beverage and wine license under  
12                            AS 04.09.110;

13     (6) manufacturer direct shipment license under AS 04.09.370.

14     (g) A person who violates (a) - (c) or (e) of this section commits the offense of  
15                            failure to comply with alcohol server education requirements.

16     (h) Failure to comply with alcohol server education requirements is a  
17                            violation.

18            \* **Sec. 142.** AS 04.21.050(a) is amended to read:

19     (a) If a licensee or an agent or employee of the licensee questions or has  
20                            reason to question whether a person entering licensed premises, or ordering,  
21                            purchasing, attempting to purchase, or otherwise procuring or attempting to procure  
22                            alcoholic beverages,

23    (1) has attained the age of 21 years or is entering without consent in  
24                            violation of **AS 04.16.049(a)(2)** [AS 04.16.049(a)(3)] and has not attained the age of  
25                            16 years, that licensee, agent, or employee shall require the person to furnish proof of  
26                            age acceptable under (b) of this section or proof of consent in a form determined by  
27                            the board; if the person questioned does not furnish proof of age acceptable under (b)  
28                            of this section, or if a licensee, agent, or employee questions or has reason to question  
29                            the validity of the proof of age furnished, the licensee, employee, or agent shall require  
30                            the person to sign a statement that the person is over the age of 21 or 16 years, as  
31                            appropriate; this statement shall be made on a form prepared by and furnished to the

1 licensee by the board;

2 (2) is restricted from purchasing alcoholic beverages under  
3 AS 04.16.160, the licensee, agent, or employee may, but has no duty or obligation to,  
4 require the person to furnish proof acceptable under (b) of this section that the person  
5 is not restricted from purchasing alcoholic beverages or require the person to sign a  
6 statement that the person is not restricted from purchasing alcoholic beverages under  
7 AS 04.16.160; this statement shall be made on a form prepared by and furnished to the  
8 licensee by the board.

9 \* **Sec. 143.** AS 04.21.060 is amended by adding new subsections to read:

10 (b) A licensee who stores alcoholic beverages elsewhere than on the licensed  
11 premises and who fails to comply with (a)(1) - (3) of this section commits the offense  
12 of unauthorized warehousing.

13 (c) Unauthorized warehousing is a violation.

14 \* **Sec. 144.** AS 04.21.065(a) is repealed and reenacted to read:

15 (a) A holder of one of the following types of licenses or permits shall post on  
16 the licensed or designated premises three separate warning signs as described in (b) of  
17 this section:

18 (1) brewery manufacturer license under AS 04.09.020 with a  
19 manufacturer sampling endorsement under AS 04.09.410;

20 (2) winery manufacturer license under AS 04.09.030 with a  
21 manufacturer sampling endorsement under AS 04.09.410;

22 (3) distillery manufacturer license under AS 04.09.040 with a  
23 manufacturer sampling endorsement under AS 04.09.410;

24 (4) beverage dispensary license under AS 04.09.200;

25 (5) restaurant or eating place license under AS 04.09.210;

26 (6) club license under AS 04.09.220;

27 (7) package store license under AS 04.09.230;

28 (8) pub license under AS 04.09.240;

29 (9) theater license under AS 04.09.250;

30 (10) common carrier dispensary license under AS 04.09.260;

31 (11) sporting activity or event license under AS 04.09.270;

- 1 (12) outdoor recreation lodge license under AS 04.09.280;
- 2 (13) fair license under AS 04.09.290;
- 3 (14) golf course license under AS 04.09.300;
- 4 (15) destination resort license under AS 04.09.310;
- 5 (16) brewery retail license under AS 04.09.320;
- 6 (17) winery retail license under AS 04.09.330;
- 7 (18) distillery retail license under AS 04.09.340;
- 8 (19) beverage dispensary tourism license under AS 04.09.350;
- 9 (20) seasonal restaurant or eating place tourism license under
- 10 AS 04.09.360;
- 11 (21) beverage dispensary caterer's permit under AS 04.09.610;
- 12 (22) restaurant caterer's dining permit under AS 04.09.620;
- 13 (23) club caterer's permit under AS 04.09.630;
- 14 (24) art exhibit event permit under AS 04.09.640;
- 15 (25) music festival permit under AS 04.09.645;
- 16 (26) nonprofit organization event permit under AS 04.09.650;
- 17 (27) package store tasting event permit under AS 04.09.670;
- 18 (28) conditional contractor's permit under AS 04.09.690;
- 19 (29) another license or permit issued by the board authorizing
- 20 consumption of alcoholic beverages.

21 \* **Sec. 145.** AS 04.21 is amended by adding new sections to read:

22 **Sec. 04.21.072. Fines and other criminal penalties.** (a) A violation under this  
23 title, unless otherwise specified in the provision of this title defining the offense, is  
24 punishable by a fine of \$250.

25 (b) A misdemeanor or felony under this title, unless otherwise specified in the  
26 provision of this title defining the offense, is punishable as provided in AS 12.55.

27 **Sec. 04.21.074. Bail forfeiture schedule.** The supreme court shall establish by  
28 rule or order a schedule of bail amounts for violations under this title that allow the  
29 disposition of a citation without a court appearance. The bail amount may not exceed  
30 the maximum penalty prescribed by law for the violation.

31 **Sec. 04.21.076. Suspension of fine or sentence.** The court may not suspend a

1 fine for an offense other than a misdemeanor or felony under this title, or suspend  
2 imposition or execution of sentence for an offense other than a misdemeanor or felony  
3 under this title, unless otherwise expressly provided in this title.

4 \* **Sec. 146.** AS 04.21.078 is amended to read:

5 **Sec. 04.21.078. Court records of persons under 21 years of age.** The Alaska  
6 Court System may not publish on a publicly available website the court records of a  
7 violation of AS 04.16.049, [OR] 04.16.050, **04.16.060(g)**, or a similar ordinance of a  
8 municipality, if the violation was charged separately and was not joined with any other  
9 minor offense or criminal charge at the time of filing.

10 \* **Sec. 147.** AS 04.21.080(b)(6) is amended to read:

11 (6) "designated premises" means any or all designated portions of a  
12 building or structure, rooms or enclosures in the building or structure, or real estate  
13 leased, used, controlled, or operated by a licensee **or permittee** for the purpose for  
14 which the **license or** permit is issued by the board at the location of the site for which  
15 the **license or** permit is issued;

16 \* **Sec. 148.** AS 04.21.080(b)(15) is amended to read:

17 (15) "licensed premises" means any or all designated portions of a  
18 building or structure, rooms or enclosures in the building or structure, or real estate  
19 leased, used, controlled, or operated by a licensee in the conduct of business for which  
20 the licensee is licensed by the board at the specific address for which the license **or an**  
21 **endorsement to the license** is issued;

22 \* **Sec. 149.** AS 04.21.080(b) is amended by adding new paragraphs to read:

23 (21) "bona fide restaurant" means an establishment or a portion of an  
24 establishment where, during all times alcoholic beverages are served or consumed,

25 (A) the patron's principal activity is consumption of food; and

26 (B) a variety of types of food items appropriate for meals is  
27 prepared on site and available for sale as shown on a menu provided to patrons  
28 and filed with the board;

29 (22) "brewed beverage" means an alcoholic beverage made by  
30 fermenting cereal grains, including beer and malt beverages, sake, and kombucha;

31 (23) "calendar year" means the period beginning January 1 and ending

1 December 31;

2 (24) "cider" means a type of wine made primarily from fermented  
3 apples, apple juice, or concentrate;

4 (25) "distilled spirit" means an alcoholic beverage that is first  
5 fermented and then distilled;

6 (26) "golf course" means a course that is open to the public, having at  
7 least nine holes, and covering at least 2,950 yards;

8 (27) "kombucha" means a brewed beverage made from fermented tea  
9 and containing at least one-half percent alcohol by volume;

10 (28) "mead" means a type of wine made primarily from honey;

11 (29) "sake" means a type of brewed beverage made primarily from  
12 fermented rice;

13 (30) "wine" means an alcoholic beverage made from fermented grapes  
14 or other fruit or honey.

15 \* **Sec. 150.** AS 05.15.690(48) is amended to read:

16 (48) "vendor" means a business whose primary activity is not regulated  
17 by this chapter but that

18 (A) is engaged in the sale of pull-tabs on behalf of a permittee;

19 (B) holds a business license under AS 43.70; and

20 (C) is an establishment holding a

21 (i) beverage dispensary license under AS 04.09.200 or  
22 beverage dispensary tourism license under AS 04.09.350

23 [AS 04.11.090] that [HAS NOT BEEN DESIGNATED BY THE  
24 ALCOHOLIC BEVERAGE CONTROL BOARD UNDER  
25 AS 04.16.049(a)(2) - (3),] has not been exempted by the Department of  
26 Labor and Workforce Development under AS 04.16.049(c) and  
27 AS 23.10.355, does not allow the sale of pull-tabs in portions of the  
28 establishment designated as a bona fide restaurant under  
29 AS 04.09.450, and, if the establishment is a hotel, motel, resort, or  
30 similar business that caters to the traveling public as a substantial part  
31 of its business, does not allow the sale of pull-tabs in a dining room,

1 banquet room, guest room, or other public areas other than a room in  
2 which there is regularly maintained a fixed counter or service bar **that**  
3 **has plumbing connections to permanent plumbing** at which  
4 alcoholic beverages are sold or served to members of the public for  
5 consumption;

6 (ii) package store license under **AS 04.09.230**  
7 [AS 04.11.150];

8 \* **Sec. 151.** AS 09.65.315(b) is amended to read:

9 (b) A person licensed under **AS 04.09.020 - 04.09.370** [AS 04.11.080 -  
10 04.11.255], or an agent or employee of the person, is not liable for damages resulting  
11 from a motor vehicle accident described under (a) of this section. A person or entity  
12 that participates in making arrangements for transportation of a vehicle under (a) of  
13 this section is not liable for damages resulting from a motor vehicle accident described  
14 in (a) of this section.

15 \* **Sec. 152.** AS 11.61.220(d) is amended to read:

16 (d) In a prosecution under (a)(2) of this section, it is

17 (1) an affirmative defense that

18 (A) [REPEALED]

19 (B) the loaded firearm was a concealed handgun as defined in  
20 AS 18.65.790; and

21 (C) the possession occurred at a place **covered by a restaurant**  
22 **or eating place license under AS 04.09.210, seasonal restaurant or eating**  
23 **place tourism license under AS 04.09.360, or restaurant endorsement**  
24 **under AS 04.09.450** [DESIGNATED AS A RESTAURANT FOR THE  
25 PURPOSES OF AS 04.16.049] and the defendant did not consume  
26 intoxicating liquor at the place;

27 (2) a defense that the defendant, at the time of possession, was on  
28 business premises

29 (A) owned by or leased by the defendant; or

30 (B) in the course of the defendant's employment for the owner  
31 or lessee of those premises.

1 \* **Sec. 153.** AS 11.76.100(b) is amended to read:

2 (b) Notwithstanding the provisions of (a) of this section, a person who  
3 maintains a vending machine is not in violation of (a)(3) of this section if the vending  
4 machine is located

5 (1) on premises licensed as a beverage dispensary under **AS 04.09.200**  
6 **or 04.09.350** [AS 04.11.090], licensed as a club under **AS 04.09.220** [AS 04.11.110],  
7 or licensed as a package store under **AS 04.09.230** [AS 04.11.150;] and

8 (A) as far as practicable from the primary entrance; and

9 (B) in a place that is directly and continually supervised by a  
10 person employed on the licensed premises during the hours the vending  
11 machine is accessible to the public; or

12 (2) in an employee break room or other controlled area of a private  
13 work place that is not generally considered a public place and the room or area  
14 contains a posted warning sign at least 11 inches by 14 inches indicating that  
15 possession of tobacco by a person under 19 years of age is prohibited under  
16 AS 11.76.105.

17 \* **Sec. 154.** AS 11.76.107(a) is amended to read:

18 (a) A person commits the offense of failure to supervise a vending machine if  
19 the person owns premises licensed as a beverage dispensary under **AS 04.09.200 or**  
20 **04.09.350** [AS 04.11.090], licensed as a club under **AS 04.09.220** [AS 04.11.110], or  
21 licensed as a package store under **AS 04.09.230** [AS 04.11.150] and with criminal  
22 negligence fails to have an employee supervise a vending machine on those premises  
23 that dispenses cigarettes, cigars, tobacco, products containing tobacco, electronic  
24 smoking products, or products containing nicotine as required by  
25 AS 11.76.100(b)(1)(B) and 11.76.109(d)(1)(B).

26 \* **Sec. 155.** AS 11.76.109(d) is amended to read:

27 (d) Notwithstanding (a)(3) of this section, a person who maintains a vending  
28 machine is not in violation of (a)(3) of this section if the vending machine is located

29 (1) on premises licensed as a beverage dispensary under **AS 04.09.200**  
30 **or 04.09.350** [AS 04.11.090], licensed as a club under **AS 04.09.220** [AS 04.11.110],  
31 or licensed as a package store under **AS 04.09.230** [AS 04.11.150], and is located

1 (A) as far as practicable from the primary entrance; and  
2 (B) in a place that is directly and continually supervised by a  
3 person employed on the licensed premises during the hours the vending  
4 machine is accessible to the public; or

5 (2) in an employee break room or other controlled area of a private  
6 work place that is not generally considered a public place and the room or area  
7 contains a posted warning sign at least 11 inches by 8.5 inches indicating that  
8 possession of electronic smoking products or products containing nicotine by a person  
9 under 19 years of age without a prescription is prohibited under **this section**  
10 [AS 11.76.109].

11 \* **Sec. 156.** AS 12.62.400(a), as amended by sec. 2 of Executive Order 121, is amended to  
12 read:

13 (a) To obtain a national criminal history record check for determining a  
14 person's qualifications for a license, permit, registration, employment, or position, a  
15 person shall submit the person's fingerprints to the department with the fee established  
16 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau  
17 of Investigation to obtain a national criminal history record check of the person for the  
18 purpose of evaluating a person's qualifications for

19 (1) a license or conditional contractor's permit to manufacture, sell,  
20 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage  
21 under **AS 04.09** [AS 04.11];

22 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage  
23 loan originator under AS 06.60;

24 (3) admission to the Alaska Bar Association under AS 08.08;

25 (4) licensure as a collection agency operator under AS 08.24;

26 (5) a certificate of fitness to handle explosives under AS 08.52;

27 (6) licensure as a massage therapist under AS 08.61;

28 (7) licensure to practice nursing or certification as a nurse aide under  
29 AS 08.68;

30 (8) certification as a real estate appraiser under AS 08.87;

31 (9) a position involving supervisory or disciplinary power over a minor

1 or dependent adult for which criminal justice information may be released under  
2 AS 12.62.160(b)(9);

3 (10) a teacher certificate under AS 14.20;

4 (11) a registration or license to operate a marijuana establishment  
5 under AS 17.38;

6 (12) admittance to a police training program under AS 18.65.230 or for  
7 certification as a police officer under AS 18.65.240 if that person's prospective  
8 employer does not have access to a criminal justice information system;

9 (13) licensure as a security guard under AS 18.65.400 - 18.65.490;

10 (14) a concealed handgun permit under AS 18.65.700 - 18.65.790;

11 (15) licensure as an insurance producer, managing general agent,  
12 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines  
13 broker, or independent adjuster under AS 21.27;

14 (16) serving and executing process issued by a court by a person  
15 designated under AS 22.20.130;

16 (17) a school bus driver license under AS 28.15.046;

17 (18) licensure as an operator or an instructor for a commercial driver  
18 training school under AS 28.17;

19 (19) registration as a broker-dealer, agent, investment adviser  
20 representative, or investment adviser under AS 45.56.300 - 45.56.350;

21 (20) licensure, license renewal, certification, certification renewal, or  
22 payment from the Department of Health of an individual and an entity subject to the  
23 requirements for a criminal history check under AS 47.05.310, including

24 (A) a public home care provider described in AS 47.05.017;

25 (B) a provider of home and community-based waiver services  
26 financed under AS 47.07.030(c);

27 (C) a case manager to coordinate community mental health  
28 services under AS 47.30.530;

29 (D) an entity listed in AS 47.32.010(b) and (c), including an  
30 owner, officer, director, member, partner, employee, volunteer, or contractor of  
31 an entity; or

1 (E) an individual or entity not described in (A) - (D) of this  
2 paragraph that is required by statute or regulation to be licensed or certified by  
3 the Department of Health or that is eligible to receive payments, in whole or in  
4 part, from the Department of Health to provide for the health, safety, and  
5 welfare of persons who are served by the programs administered by the  
6 Department of Health;

7 (21) licensure, license renewal, certification, or certification renewal  
8 by the Department of Family and Community Services of an individual or entity, or  
9 payment from the Department of Family and Community Services to an individual or  
10 entity, subject to the requirements for a criminal history check under AS 47.05.310 for  
11 a foster home, child placement agency, and runaway shelter listed in AS 47.32.010(c),  
12 including an owner, officer, director, member, partner, employee, volunteer, or  
13 contractor of an entity.

14 \* **Sec. 157.** AS 18.56.230(b) is amended to read:

15 (b) The corporation may not authorize the commercial use of space in a multi-  
16 unit residential housing development owned or financed by the corporation for

17 (1) a business that offers adult entertainment;

18 (2) the sale of alcoholic beverages, unless the sale [IS IN A  
19 RESTAURANT OR EATING PLACE LICENSED UNDER AS 04.11.100 OR] is in  
20 premises

21 **(A) licensed under a restaurant or eating place license**  
22 **issued by the Alcoholic Beverage Control Board under AS 04.09.210 or**  
23 **seasonal restaurant or eating place tourism license issued by the Alcoholic**  
24 **Beverage Control Board under AS 04.09.360; or**

25 **(B) covered by a restaurant endorsement issued**  
26 **[DESIGNATED] by the Alcoholic Beverage Control Board under**  
27 **AS 04.09.450 [AS A RESTAURANT UNDER AS 04.16.049];**

28 (3) substance abuse treatment; or

29 (4) a business that primarily sells, transfers, or stores cigarettes or  
30 tobacco-related products.

31 \* **Sec. 158.** AS 18.65.085(c) is amended to read:

1 (c) The Department of Public Safety may establish and administer a reward  
2 program, and provide grants to municipalities, established villages, and, at the request  
3 of a municipality or established village, to a nonprofit association that administers a  
4 village public safety officer program, for reward programs leading to the apprehension  
5 and conviction of persons who violate AS 04.09.060, 04.09.850, or AS 04.11.010 by  
6 selling, importing, or possessing alcoholic beverages in violation of a local option  
7 adopted by a municipality or established village under AS 04.11.491.

8 \* **Sec. 159.** AS 18.80.230(b) is amended to read:

9 (b) Notwithstanding (a) of this section, a physical fitness facility may limit  
10 public accommodation to only males or only females to protect the privacy interests of  
11 its users. Public accommodation may be limited under this subsection only to those  
12 rooms in the facility that are primarily used for weight loss, aerobic, and other  
13 exercises, or for resistance weight training. Public accommodation may not be limited  
14 under this subsection to rooms in the facility primarily used for other purposes,  
15 including conference rooms, dining rooms, and premises licensed under AS 04.09  
16 [AS 04.11]. This subsection does not apply to swimming pools or golf courses.

17 \* **Sec. 160.** AS 43.60 is amended by adding a new section to read:

18 **Sec. 43.60.060. Manufacturer direct shipment tax; statement; audit.** A  
19 holder of a manufacturer direct shipment license under AS 04.09.370 who sells its  
20 product in the state or who consigns shipments of its product into the state shall

21 (1) be subject to the taxes provided under AS 43.60.010(a);

22 (2) provide monthly statements and other information required under  
23 AS 43.60.020 with the remittance of a tax collected under this section;

24 (3) allow the Department of Revenue to perform an audit of the  
25 holder's records upon request; and

26 (4) consent to the jurisdiction of a state court concerning enforcement  
27 of this section relating to the collection of taxes and other money owed by the holder,  
28 including interest and penalties.

29 \* **Sec. 161.** AS 43.70.105(a) is amended to read:

30 (a) This chapter does not apply to

31 (1) a fisheries business;

- 1 (2) the sale of liquor under a license issued under AS 04.09  
2 [AS 04.11];  
3 (3) an insurance business;  
4 (4) a mining business;  
5 (5) supplying services as an employee;  
6 (6) furnishing goods or services by a person who does not represent to  
7 be regularly engaged in furnishing goods or services;  
8 (7) the activities of an investment club; in this paragraph,  
9 (A) "investment club" means a group of individuals,  
10 incorporated or otherwise organized, that engages primarily in investing in  
11 securities, that does not sell investment services to another person, that does  
12 not advertise, and the primary purpose of which is educational;  
13 (B) "security" has the meaning given in AS 45.56.900.

14 \* **Sec. 162.** AS 45.45.590(1) is amended to read:

15 (1) "business proprietor" means a person who owns a place of business  
16 in which the public may assemble and in which copyrighted musical works may be  
17 performed, broadcasted, or otherwise transmitted; in this paragraph, "place of  
18 business" includes a store, professional office, sports facility, entertainment facility,  
19 restaurant, hotel, or [AN] alcoholic beverage establishment licensed under AS 04.09  
20 [AS 04.11];

21 \* **Sec. 163.** The uncodified law of the State of Alaska is amended by adding a new section  
22 to read:

23 DIRECT COURT RULE AMENDMENT. Rule 17(h), Alaska Rules of Minor  
24 Offense Procedure, is amended to read:

25 (h) **Joinder Limits.** A prosecutor may not join a violation of AS 04.16.049,  
26 [OR] 04.16.050, or 04.16.060(g) or a similar municipal ordinance with a related  
27 criminal charge.

28 \* **Sec. 164.** AS 04.11.070, 04.11.080, 04.11.090, 04.11.100, 04.11.110, 04.11.115,  
29 04.11.120, 04.11.130, 04.11.135, 04.11.140, 04.11.150, 04.11.160, 04.11.170, 04.11.180,  
30 04.11.200, 04.11.210, 04.11.220, 04.11.225, 04.11.230, 04.11.240, 04.11.250, 04.11.255,  
31 04.11.400(d), 04.11.400(h), 04.11.400(j); AS 04.16.070, 04.16.100, 04.16.180(a),

1 04.16.180(d), 04.16.210; and AS 04.21.080(b)(3) are repealed.

2 \* **Sec. 165.** AS 04.11.400(e) and 04.11.400(g) are repealed.

3 \* **Sec. 166.** AS 04.09.270(f) is repealed January 1, 2029.

4 \* **Sec. 167.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 APPLICABILITY. (a) The provisions of secs. 13 - 24, 34, 85 - 88, 90 - 135, 140 -  
7 143, 145, and 153 - 155 of this Act apply to offenses committed on or after the effective date  
8 of each of those respective sections.

9 (b) References to previous convictions in AS 04.11.270(a), as amended by sec. 27 of  
10 this Act, AS 04.16.180(b), as amended by sec. 128 of this Act, AS 04.16.180(e), as amended  
11 by sec. 129 of this Act, and AS 04.16.220(i), as amended by sec. 134 of this Act, apply to  
12 convictions occurring before, on, or after the effective date of each of those respective  
13 sections.

14 \* **Sec. 168.** The uncodified law of the State of Alaska is amended by adding a new section  
15 to read:

16 TRANSITION: IMPLEMENTATION. Notwithstanding sec. 177 of this Act, to timely  
17 provide for the issuance, renewal, and transfer of licenses, endorsements, and permits,  
18 beginning on January 1, 2024, the Alcoholic Beverage Control Board may begin to implement  
19 the changes that will be made under secs. 6, 7, 12, 13, 25, 27, 75, and 169 of this Act by  
20 sending out notices relating to, accepting applications for, and collecting fees for licenses,  
21 endorsements, and permits according to the changes that will be made when secs. 6, 7, 12, 13,  
22 25, 27, 75, and 169 of this Act take effect. However, the Alcoholic Beverage Control Board  
23 may not issue licenses, endorsements, and permits under secs. 6, 7, 12, 13, 25, 27, 75, and 169  
24 of this Act before January 1, 2024.

25 \* **Sec. 169.** The uncodified law of the State of Alaska is amended by adding a new section  
26 to read:

27 TRANSITION: CONVERSION OF APPLICATIONS AND LICENSES. (a)  
28 Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic Beverage  
29 Control Board shall convert, within 90 days after the effective date of this subsection,

30 (1) a license issued or renewed as necessary for the public convenience under  
31 former AS 04.11.400(e) or 04.11.400(g), repealed by sec. 165 of this Act, into a restaurant or

1 eating place license under AS 04.11.100, if the license was issued as a restaurant or eating  
2 place license, or into a beverage dispensary license under AS 04.11.090, if the license was  
3 issued as a beverage dispensary license under former AS 04.11.400(j), as that subsection read  
4 on June 5, 1985;

5 (2) an application submitted to the board that meets all of the requirements  
6 under former AS 04.11.400(e) or 04.11.400(g), repealed by sec. 165 of this Act, into an  
7 application for a restaurant or eating place license under AS 04.11.100.

8 (b) Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic  
9 Beverage Control Board shall convert, within 90 days after the effective date of this  
10 subsection,

11 (1) a license issued or renewed as a bottling works license under former  
12 AS 04.11.120, repealed by sec. 164 of this Act, into a brewery manufacturer license under  
13 AS 04.09.020, added by sec. 13 of this Act, or into a winery manufacturer license under  
14 AS 04.09.030, added by sec. 13 of this Act;

15 (2) a license issued or renewed as a brewpub license under former  
16 AS 04.11.135, repealed by sec. 164 of this Act, into a brewery manufacturer license under  
17 AS 04.09.020, added by sec. 13 of this Act;

18 (3) a license issued or renewed as a beverage dispensary license or restaurant  
19 or eating place license for a premises that is a theater under former AS 04.11.090 or  
20 AS 04.11.100, repealed by sec. 164 of this Act, into a theater license under AS 04.09.250,  
21 added by sec. 13 of this Act;

22 (4) a license issued or renewed as a wholesale license under former  
23 AS 04.11.160(a), repealed by sec. 164 of this Act, into a general wholesale license under  
24 AS 04.09.100, added by sec. 13 of this Act;

25 (5) a license issued or renewed as a wholesale license under former  
26 AS 04.11.160(b), repealed by sec. 164 of this Act, into a limited wholesale brewed beverage  
27 and wine license under AS 04.09.110, added by sec. 13 of this Act;

28 (6) a license issued or renewed as a beverage dispensary license under former  
29 AS 04.11.400(d), repealed by sec. 164 of this Act, into a beverage dispensary tourism license  
30 under AS 04.09.350, added by sec. 13 of this Act;

31 (7) a duplicate license issued or renewed as a duplicate beverage dispensary

1 license under former AS 04.11.090(e), repealed by sec. 164 of this Act, into a multiple fixed  
2 counter endorsement under AS 04.09.420, added by sec. 13 of this Act.

3 (c) Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic  
4 Beverage Control Board shall, upon application by the licensee, convert a license issued or  
5 renewed as a recreational site license under former AS 04.11.210, repealed by sec. 164 of this  
6 Act, into a sporting activity or event license under AS 04.09.270, added by sec. 13 of this Act,  
7 or another applicable license under AS 04.09.

8 (d) Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic  
9 Beverage Control Board may

10 (1) convert a license issued or renewed as a brewery license under former  
11 AS 04.11.130, repealed by sec. 164 of this Act, into a brewery manufacturer license under  
12 AS 04.09.020, added by sec. 13 of this Act, and a brewery retail license under AS 04.09.320,  
13 added by sec. 13 of this Act, upon application by the licensee;

14 (2) convert an application submitted to the board that meets all of the  
15 requirements under former AS 04.11.130, repealed by sec. 164 of this Act, into an application  
16 for a brewery manufacturer license under AS 04.09.020, added by sec. 13 of this Act, and a  
17 brewery retail license under AS 04.09.320, added by sec. 13 of this Act;

18 (3) issue a brewery manufacturer license under AS 04.09.020, added by sec.  
19 13 of this Act, and a brewery retail license under AS 04.09.320, added by sec. 13 of this Act,  
20 to an applicant who submits an application to the board under former AS 04.11.130, repealed  
21 by sec. 164 of this Act, if the board converts the application under (2) of this subsection;

22 (4) convert a license issued or renewed as a winery license under former  
23 AS 04.11.140, repealed by sec. 164 of this Act, into a winery manufacturer license under  
24 AS 04.09.030, added by sec. 13 of this Act, and a winery retail license under AS 04.09.330,  
25 added by sec. 13 of this Act, upon application by the licensee;

26 (5) convert an application submitted to the board that meets all of the  
27 requirements under former AS 04.11.140, repealed by sec. 164 of this Act, into an application  
28 for a winery manufacturer license under AS 04.09.030, added by sec. 13 of this Act, and a  
29 winery retail license under AS 04.09.330, added by sec. 13 of this Act;

30 (6) issue a winery manufacturer license under AS 04.09.030, added by sec. 13  
31 of this Act, and a winery retail license under AS 04.09.330, added by sec. 13 of this Act, to an

1 applicant who submits an application to the board under former AS 04.11.140, repealed by  
2 sec. 164 of this Act, if the board converts the application under (5) of this subsection;

3 (7) convert a license issued or renewed as a distillery license under former  
4 AS 04.11.170, repealed by sec. 164 of this Act, into a distillery manufacturer license under  
5 AS 04.09.040, added by sec. 13 of this Act, and a distillery retail license under AS 04.09.340,  
6 added by sec. 13 of this Act, upon application by the licensee;

7 (8) convert an application submitted to the board that meets all of the  
8 requirements under former AS 04.11.170, repealed by sec. 164 of this Act, into an application  
9 for a distillery manufacturer license under AS 04.09.040, added by sec. 13 of this Act, and a  
10 distillery retail license under AS 04.09.340, added by sec. 13 of this Act;

11 (9) issue a distillery manufacturer license under AS 04.09.040, added by sec.  
12 13 of this Act, and a distillery retail license under AS 04.09.340, added by sec. 13 of this Act,  
13 to an applicant who submits an application to the board under former AS 04.11.170, repealed  
14 by sec. 164 of this Act, if the board converts the application under (8) of this subsection;

15 (10) establish an application form and procedure for conversion applications  
16 under this subsection.

17 \* **Sec. 170.** The uncodified law of the State of Alaska is amended by adding a new section  
18 to read:

19 **TRANSITION: SEASONAL RESTAURANT OR EATING PLACE TOURISM**  
20 **LICENSE.** (a) Notwithstanding AS 04.11.080, the Alcoholic Beverage Control Board may  
21 issue a seasonal restaurant or eating place tourism license to a person who files an application  
22 under AS 04.11.260.

23 (b) A seasonal restaurant or eating place tourism license authorizes a restaurant or  
24 eating place to sell brewed beverages and wine for consumption only on the licensed premises  
25 for a period not to exceed six months in each calendar year.

26 (c) The biennial seasonal restaurant or eating place tourism license fee is \$1,250.

27 (d) The board may issue a license under this section only if

28 (1) the board determines that the licensed premises is a bona fide restaurant or  
29 eating place; and

30 (2) the sale and service of food and alcoholic beverages and any other  
31 business conducted on the licensed premises of the restaurant or eating place is under the sole

1 control of the licensee.

2 (e) The board may issue a license under this section only in a municipality or  
3 established village that

4 (1) has a population of 40,000 or less; and

5 (2) receives more than 4,000 visitors a year, as determined by the board in  
6 regulation.

7 (f) The board may issue a license or approve an application for the transfer of  
8 ownership of a license under this section if it appears that issuance or transfer will encourage  
9 the tourism trade.

10 (g) The holder of a seasonal restaurant or eating place tourism license shall ensure  
11 that gross receipts from the sale of food for consumption on the licensed premises are not less  
12 than the total amount of the gross receipts from the sale of alcoholic beverages for  
13 consumption on the licensed premises in each calendar year.

14 (h) The board shall adopt a regulation establishing a formula to limit the number of  
15 seasonal restaurant or eating place tourism licenses.

16 (i) The holder of a seasonal restaurant or eating place tourism license may provide  
17 entertainment on or adjacent to the licensed premises only between the hours of 11:00 a.m.  
18 and 11:00 p.m. unless additional hours are approved by the director upon the written request  
19 of the licensee for a specific occasion. The director may not grant approval for additional  
20 hours of entertainment on or adjacent to the licensed premises of an individual licensee more  
21 than three times in a calendar year. In this subsection, "entertainment" includes dancing,  
22 karaoke, live performances, or similar activities, but does not include recorded or broadcast  
23 performances without live participation.

24 (j) A license issued under this section may be renewed under AS 04.09.360, added by  
25 sec. 13 of this Act, on or after the effective date of sec. 13 of this Act.

26 (k) In this section, "bona fide restaurant" means an establishment or a portion of an  
27 establishment where, during all times alcoholic beverages are served or consumed,

28 (1) the patron's principal activity is consumption of food; and

29 (2) a variety of types of food items appropriate for meals is prepared on site  
30 and available for sale as shown on a menu provided to patrons and filed with the board.

31 \* **Sec. 171.** The uncodified law of the State of Alaska is amended by adding a new section

1 to read:

2           TRANSITION: REGULATIONS. The Department of Commerce, Community, and  
3 Economic Development and the Alcoholic Beverage Control Board may adopt regulations  
4 necessary to implement the changes made by this Act. The regulations take effect under  
5 AS 44.62 (Administrative Procedure Act), but not before the effective date of the law  
6 implemented by the regulation.

7       \* **Sec. 172.** Sections 169(a) and 170 of this Act are repealed January 1, 2024.

8       \* **Sec. 173.** The uncodified law of the State of Alaska is amended by adding a new section  
9 to read:

10           CONDITIONAL EFFECT. AS 04.16.060(k), enacted by sec. 109 of this Act, and sec.  
11 163 of this Act take effect only if sec. 163 of this Act receives the two-thirds majority vote of  
12 each house required by art. IV, sec. 15, Constitution of the State of Alaska.

13       \* **Sec. 174.** Sections 36, 41, 43, 49, 54, 59, 165, 169(a), 169(d)(10), 170, and 171 of this Act  
14 take effect immediately under AS 01.10.070(c).

15       \* **Sec. 175.** Section 168 of this Act takes effect September 1, 2023.

16       \* **Sec. 176.** Section 51 of this Act takes effect January 1, 2030.

17       \* **Sec. 177.** Except as provided in secs. 174 - 176 of this Act, this Act takes effect January 1,  
18 2024.



# LAWS OF ALASKA

2018

**Source**

CSSB 45(FIN) am H

**Chapter No.**

\_\_\_\_\_

**AN ACT**

Relating to an exemption from the regulation of construction contractors; relating to distillery licenses; relating to the renewal of a license involving alcoholic beverages; relating to the renewal and transfer of ownership of a beverage dispensary license or restaurant or eating place license; and relating to issuance of an outdoor recreation lodge license in a local option area.

\_\_\_\_\_

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to an exemption from the regulation of construction contractors; relating to distillery  
2 licenses; relating to the renewal of a license involving alcoholic beverages; relating to the  
3 renewal and transfer of ownership of a beverage dispensary license or restaurant or eating  
4 place license; and relating to issuance of an outdoor recreation lodge license in a local option  
5 area.

6

7 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
8 to read:

9 LEGISLATIVE INTENT. It is the intent of the legislature that the exemptions listed  
10 in AS 08.18.161, as amended by sec. 11 of this Act, be construed broadly to allow individuals  
11 the freedom and ability to construct and sell their own homes based on their own discretion.

12 \* **Sec. 2.** AS 04.11.170 is amended by adding new subsections to read:

13 (f) The holder of a distillery license may combine the distillery's product

1 under (d) and (e) of this section with other ingredients, including mixers, liquids, or  
2 garnishes, that are not alcoholic beverages.

3 (g) In this section, "distillery's product" means an alcoholic beverage distilled  
4 on the licensed premises.

5 \* **Sec. 3.** AS 04.11.295(a) is amended to read:

6 (a) An applicant for the issuance or transfer of a license or a conditional  
7 contractor's permit under this title shall submit to the board, with the application, the  
8 applicant's fingerprints and the fees required by the Department of Public Safety under  
9 AS 12.62.160 for criminal justice information and a national criminal history record  
10 check. **Except as provided under (c) of this section, the** [THE] board may require an  
11 applicant for renewal of a license or a conditional contractor's permit under this title to  
12 submit fingerprints and pay **the required** fees [AS REQUIRED BY THIS  
13 SUBSECTION]. The board shall submit the fingerprints to the Department of Public  
14 Safety to obtain a report of criminal justice information under AS 12.62 and a national  
15 criminal history record check under AS 12.62.400. The Department of Public Safety  
16 may submit the fingerprints to the Federal Bureau of Investigation for a national  
17 criminal history record check. The board shall use the information obtained under this  
18 section in its determination of an applicant's qualification for issuance, transfer, or  
19 renewal of a license or a conditional contractor's permit.

20 \* **Sec. 4.** AS 04.11.295 is amended by adding a new subsection to read:

21 (c) For renewal of a license or conditional contractor's permit held by a  
22 corporation that is required by federal law to file periodic reports with the United  
23 States Securities and Exchange Commission, the board may require submission of  
24 fingerprints and payment of the required fees of not more than three individuals who  
25 are officers of the corporation.

26 \* **Sec. 5.** AS 04.11.330(a) is amended to read:

27 (a) An application requesting renewal of a license shall be denied if  
28 (1) the board finds, after review of all relevant information, that  
29 renewal of the license would not be in the best interests of the public;  
30 (2) the license has been revoked for any cause;  
31 (3) the applicant has not operated the licensed premises for at least **240**

1        **hours** [30 EIGHT-HOUR DAYS] during each of the two preceding calendar years,  
2 unless the board determines that the licensed premises are under construction or  
3 cannot be operated through no fault of the applicant;

4                (4) the board finds that issuance of an existing license under  
5 AS 04.11.400(d) has not encouraged tourist trade;

6                (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,  
7 ownership of the license, and financing of the licensee have not been met;

8                (6) renewal of the license would violate the restrictions pertaining to  
9 the particular license under this title or the license has been operated in violation of a  
10 condition or restriction imposed by the board;

11               (7) renewal of the license is prohibited under this title as a result of an  
12 election conducted under AS 04.11.507;

13               (8) the application has not been completed in accordance with  
14 AS 04.11.270; or

15               (9) the license was issued under AS 04.11.400(g), and the board finds  
16 that the public convenience does not require renewal.

17 \* **Sec. 6.** AS 04.11.360 is amended to read:

18                **Sec. 04.11.360. Denial of transfer of a license to another person.** An  
19 application requesting approval of a transfer of a license to another person under this  
20 title shall be denied if

21                (1) the board finds, after review of all relevant information, that  
22 transfer of a license to another person would not be in the best interests of the public;

23                (2) the application has not been completed in accordance with  
24 AS 04.11.280;

25                (3) the application contains false statements of material fact;

26                (4) the transferor has not paid all debts or taxes arising from the  
27 conduct of the business licensed under this title unless

28                                (A) the transferor gives security for the payment of the debts or  
29 taxes satisfactory to the creditor or taxing authority; or

30                                (B) the transfer is under a promise given as collateral by the  
31 transferor to the transferee in the course of an earlier transfer of the license

1 under which promise the transferor is obliged to transfer the license back to the  
2 transferee in the event of default in payment for property conveyed as part of  
3 the earlier transfer of the license;

4 (5) transfer of the license to another person would result in violation of  
5 the provisions of this title relating to identity of licensees and financing of licensees;

6 (6) transfer of the license to another person would violate the  
7 restrictions pertaining to the particular license under this title;

8 (7) transfer of the license to another person is prohibited under the  
9 provisions of this title as a result of an election conducted under AS 04.11.507;

10 (8) the prospective transferee does not have the qualifications required  
11 under this title of an original applicant; **however, an application may not be denied**  
12 **because a prospective transferee under AS 04.11.400(d)(2) does not have the**  
13 **qualifications required under AS 04.11.400(d)(1);**

14 (9) the license was issued under AS 04.11.100(f) or 04.11.400(g);  
15 however, this paragraph does not apply to a beverage dispensary license issued before  
16 June 6, 1985, under former AS 04.11.400(j) if the transfer does not involve a change  
17 in location; or

18 (10) the license was issued under AS 04.11.135, unless the transferor is  
19 also applying to transfer the beverage dispensary license required under AS 04.11.135  
20 to the same transferee.

21 \* **Sec. 7.** AS 04.11.400(d) is amended to read:

22 (d) The board may approve

23 **(1)** the issuance [OR TRANSFER OF OWNERSHIP] of a **new**  
24 beverage dispensary or restaurant or eating place license without regard to (a) of this  
25 section if it appears that the issuance [OR TRANSFER] will encourage the tourist  
26 trade by encouraging the construction or improvement of

27 **(A)** [(1)] a hotel, motel, resort, or similar business relating to  
28 the tourist trade with a dining facility or having kitchen facilities in a majority  
29 of its rental rooms and at least a minimum number of rental rooms required  
30 according to the population of the [ESTABLISHED VILLAGE,] incorporated  
31 city, unified municipality, or population area established under (a) of this

1 section in which the facility will be located, as follows:

2 (i) [(A)] 10 rental rooms if the population is less than  
3 1,501;

4 (ii) [(B)] 20 rental rooms if the population is 1,501 -  
5 2,500;

6 (iii) [(C)] 25 rental rooms if the population is 2,501 -  
7 5,000;

8 (iv) [(D)] 30 rental rooms if the population is 5,001 -  
9 15,000;

10 (v) [(E)] 35 rental rooms if the population is 15,001 -  
11 25,000;

12 (vi) [(F)] 40 rental rooms if the population is 25,001 -  
13 50,000; and

14 (vii) [(G)] 50 rental rooms if the population is greater  
15 than 50,000; or

16 (B) [(2)] an airport terminal; **and**

17 **(2) the renewal or transfer of ownership of a beverage dispensary**  
18 **or restaurant or eating place license issued under (1) of this subsection if the**

19 **(A) holder of the license operates a hotel, motel, resort, or**  
20 **similar business relating to the tourist trade that**

21 **(i) has a dining facility on the licensed premises or**  
22 **kitchen facilities in a majority of its rental rooms; and**

23 **(ii) maintains at least the minimum number of rental**  
24 **rooms that the hotel, motel, resort, or similar business had at the**  
25 **time of initial licensure or that was required at the time of initial**  
26 **licensure; or**

27 **(B) licensed premises are located inside an airport terminal.**

28 \* **Sec. 8.** AS 04.11.491(a) is amended to read:

29 (a) If a majority of the persons voting on the question vote to approve the  
30 option, a municipality shall adopt a local option to prohibit

31 (1) the sale of alcoholic beverages;

1 (2) the sale of alcoholic beverages except by one or more of the  
2 following listed on the ballot:

3 (A) a restaurant or eating place licensee;

4 (B) a beverage dispensary licensee;

5 (C) a package store licensee;

6 (D) a caterer holding a permit under AS 04.11.230 to sell  
7 alcoholic beverages at a site within the municipality who is also licensed under  
8 a beverage dispensary license for premises outside of the municipality;

9 (E) a winery licensee; [OR]

10 (F) a winery licensee, except that sales may occur only to a  
11 person licensed under this title or in another state or country; **or**

12 **(G) an outdoor recreation lodge licensee;**

13 (3) the sale of alcoholic beverages except on premises operated by the  
14 municipality and under a type of licensed premises listed on the ballot, that may  
15 include one or more of the following:

16 (A) a restaurant or eating place license;

17 (B) a beverage dispensary license; or

18 (C) a package store license;

19 (4) the sale and importation of alcoholic beverages; or

20 (5) the sale, importation, and possession of alcoholic beverages.

21 \* **Sec. 9.** AS 04.11.491(b) is amended to read:

22 (b) If a majority of the persons voting on the question vote to approve the  
23 option, an established village shall exercise a local option to prohibit

24 (1) the sale of alcoholic beverages;

25 (2) the sale of alcoholic beverages except by one or more of the  
26 following listed on the ballot:

27 (A) a restaurant or eating place licensee;

28 (B) a beverage dispensary licensee;

29 (C) a package store licensee;

30 (D) a caterer holding a permit under AS 04.11.230 to sell  
31 alcoholic beverages at a site within the established village who is also licensed

1 under a beverage dispensary license for premises outside of the established  
2 village;

3 (E) a winery licensee; [OR]

4 (F) a winery licensee, except that sales may occur only to a  
5 person licensed under this title or in another state or country; **or**

6 **(G) an outdoor recreation lodge licensee;**

7 (3) the sale and importation of alcoholic beverages; or

8 (4) the sale, importation, and possession of alcoholic beverages.

9 \* **Sec. 10.** AS 08.18.116 is amended by adding a new subsection to read:

10 (b) If an owner files a notice of the advertisement of a structure for sale or the  
11 sale of a structure during the period of construction or for two years after the period of  
12 construction begins under AS 08.18.161(11), the department shall investigate and take  
13 appropriate action under this chapter if the notice and circumstances indicate that the  
14 owner is operating a business for which the owner is required to register as a  
15 contractor under this chapter.

16 \* **Sec. 11.** AS 08.18.161 is amended to read:

17 **Sec. 08.18.161. Exemptions.** To the extent that this chapter governs  
18 contractors, this chapter does not apply to

19 (1) an authorized representative of the United States government, the  
20 State of Alaska, or a political subdivision or agency of the state;

21 (2) an officer of a court when acting within the scope of office;

22 (3) a public utility operating under the regulations of the Regulatory  
23 Commission of Alaska in construction, maintenance, or development work incidental  
24 to its own business;

25 (4) a construction, repair, or operation incidental to the discovering or  
26 producing of petroleum or gas, or the drilling, testing, abandoning, or other operation  
27 of a petroleum or gas well or a surface or underground mine or mineral deposit when  
28 performed by an owner or lessee;

29 (5) the sale or installation of finished products, materials, or articles of  
30 merchandise that are not actually fabricated into and do not become a permanent,  
31 fixed part of a structure;

1 (6) construction, alteration, or repair of personal property;  
2 (7) a person who only furnished materials, supplies, or equipment  
3 without fabricating them into, or consuming them in the performance of, the work of  
4 the contractor;

5 (8) [REPEALED

6 (9)] an owner who contracts for a project with a registered contractor;

7 **(9)** [(10)] a person working on **an existing structure on** that person's  
8 own property, whether occupied by the person or not, and a person working on that  
9 person's own **existing** residence, whether owned by the person or not;

10 **(10)** [(11)] an owner or tenant of commercial property who uses the  
11 owner's or tenant's own employees to do maintenance, repair, and alteration work **on**  
12 **[UPON]** that property;

13 **(11)** [(12)] an owner who acts as the owner's own contractor and in  
14 doing so **performs the work independently or** hires workers **or** **[ON AN HOURLY**  
15 **BASIS, HIRES]** subcontractors, purchases materials, and, as such, sees to the paying  
16 for all labor, subcontractors, and materials; in this case, the owner shall be limited to  
17 construction of one home, duplex, triplex, four-plex, or commercial building every  
18 two years; **an owner who advertises the structure under construction for sale or**  
19 **sells the structure during the period of construction or within two years after the**  
20 **period of construction begins shall file, on forms provided by the department, a**  
21 **notice indicating that the owner is not engaged in a business for which the owner**  
22 **is required to register as a contractor under this chapter; for the purposes of this**  
23 **paragraph, construction begins on the date that is the earlier of when the owner**

24 **(A) begins the actual construction work; or**

25 **(B) enters into an agreement with another person for the**  
26 **other person to provide labor, to act as a subcontractor, or to provide**  
27 **materials for the construction;**

28 **(12)** [(13)] a person performing construction work incidental to  
29 farming, dairying, agriculture, horticulture, stock or poultry raising, mining, logging,  
30 fishing, clearing, or other work **on** **[UPON]** the land in rural districts for fire  
31 prevention purposes, or access road building, unless the person is a licensee.

1       \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           APPLICABILITY. (a) Section 2 of this Act applies to conduct by a holder of a  
4 distillery license occurring before, on, or after the effective date of this Act.

5           (b) AS 04.11.491(a)(2), as amended by sec. 8 of this Act, and AS 04.11.491(b)(2), as  
6 amended by sec. 9 of this Act, apply to outdoor recreation lodge licenses issued before, on, or  
7 after the effective date of this Act.

8           (c) Sections 10 and 11 of this Act apply to construction begun under  
9 AS 08.18.161(11), as amended by sec. 11 of this Act, on or after the effective date of this Act.



# LAWS OF ALASKA

2004

**Source**

HCS CSSB 170(FIN) am H

**Chapter No.**

\_\_\_\_\_

**AN ACT**

Relating to the justification of defense of self or others, immunity from prosecution, probation, discretionary parole, and the right to representation in certain criminal proceedings; relating to violation of a custodian's duty; relating to sexual abuse of a minor; relating to release of information concerning certain cases involving a minor; relating to local options regarding alcoholic beverages, the offense of furnishing or delivery of alcoholic beverages to a person under 21 years of age, and forfeiture of property used in, and money or other items of value used in financial transactions derived from, violation of certain laws relating to alcoholic beverages; relating to assault by means of a dangerous instrument; relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, to the refusal to submit to a chemical test, and to the presumptions concerning the chemical analysis of breath or blood; increasing the duration of certain provisions of domestic violence protective orders from six months to one year; and providing for an effective date.

\_\_\_\_\_

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

1 Relating to the justification of defense of self or others, immunity from prosecution,  
2 probation, discretionary parole, and the right to representation in certain criminal proceedings;  
3 relating to violation of a custodian's duty; relating to sexual abuse of a minor; relating to  
4 release of information concerning certain cases involving a minor; relating to local options  
5 regarding alcoholic beverages, the offense of furnishing or delivery of alcoholic beverages to  
6 a person under 21 years of age, and forfeiture of property used in, and money or other items  
7 of value used in financial transactions derived from, violation of certain laws relating to  
8 alcoholic beverages; relating to assault by means of a dangerous instrument; relating to  
9 operating or driving a motor vehicle, aircraft, or watercraft while under the influence of an  
10 alcoholic beverage, inhalant, or controlled substance, to the refusal to submit to a chemical  
11 test, and to the presumptions concerning the chemical analysis of breath or blood; increasing

1 the duration of certain provisions of domestic violence protective orders from six months to  
2 one year; and providing for an effective date.

3 \_\_\_\_\_  
4 \* **Section 1.** AS 04.11.010(c) is amended to read:

5 (c) **Unless a municipality or established village has adopted a more**  
6 **restrictive local option under AS 04.11.491(g), in** [IN] a criminal prosecution for  
7 possession of alcoholic beverages for sale in violation of (a) of this section, the fact  
8 that a person

9 (1) possessed more than 12 liters of distilled spirits, 24 liters or more  
10 of wine, or 12 gallons or more of malt beverages in an area where the sale of alcoholic  
11 beverages is restricted or prohibited under AS 04.11.491 creates a presumption that  
12 the person possessed the alcoholic beverages for sale;

13 (2) **sends, transports, or brings more than 12 liters of distilled**  
14 **spirits, 24 liters or more of wine, or 12 gallons or more of malt beverages to an**  
15 **area where the sale of alcoholic beverages is restricted or prohibited under**  
16 **AS 04.11.491 creates a presumption that the person sent, transported, or brought**  
17 **the alcoholic beverages for sale in the area.**

18 \* **Sec. 2.** AS 04.11.010 is amended by adding a new subsection to read:

19 (d) In this section,

20 (1) "bring" has the meaning given in AS 04.11.499;

21 (2) "send" has the meaning given in AS 04.11.499;

22 (3) "transport" has the meaning given in AS 04.11.499.

23 \* **Sec. 3.** AS 04.11.150(g) is amended to read:

24 (g) If a shipment is to an area that has restricted the sale of alcoholic  
25 beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), a package store  
26 licensee, agent, or employee may not ship to a purchaser more than 10 and one-half  
27 liters of distilled spirits, 24 liters or more of wine, or 12 gallons or more of malt  
28 beverages in a calendar month, **or a lower amount of distilled spirits, wine, or malt**  
29 **beverages if the municipality or established village has adopted the lower amount**  
30 **by local option under AS 04.11.491(g).**

1 \* **Sec. 4.** AS 04.11.491 is amended by adding a new subsection to read:

2 (g) If a municipality or established village has adopted a local option under  
3 (a)(1), (2), (3), or (4), or (b)(1), (2), or (3) of this section, the municipality or  
4 established village, as part of the local option question or questions placed before the  
5 voters, may

6 (1) adopt an amount of alcoholic beverages that may be imported that  
7 is less than the amounts set out in AS 04.11.150(g);

8 (2) adopt an amount of alcoholic beverages that would give rise to a  
9 presumption that the person possessed the alcoholic beverages for sale; the amounts  
10 adopted under this paragraph may be lower than those set out in AS 04.11.010(c);

11 (3) opt to not apply a class C felony to violations of AS 04.16.051 that  
12 apply solely by reason of the municipality or established village adopting a local  
13 option under this section.

14 \* **Sec. 5.** AS 04.11.508(b) is amended to read:

15 (b) If the perimeter of an established village determined under (a) of this  
16 section includes any area that is

17 **(1) within a municipality**

18 **(A) that has adopted a local option, the local option adopted**  
19 **by the municipality applies in the overlapping area;**

20 **(B) the local option adopted by the established village does**  
21 **not apply in the overlapping area;**

22 **(2) within the perimeter of another established village and, if the**  
23 **other established village has**

24 **(A) also adopted a local option under AS 04.11.491, the**  
25 **local option of the established village that is less restrictive applies in the**  
26 **overlapping area;**

27 **(B) not adopted a local option under AS 04.11.491, the local**  
28 **option does not apply in the overlapping area** [OR WITHIN THE

29 PERIMETER OF ANOTHER ESTABLISHED VILLAGE, THE  
30 PERIMETER DESCRIBED UNDER (a) OF THIS SECTION IS LIMITED  
31 TO AN AREA THAT INCLUDES ONLY THE ESTABLISHED VILLAGE].

1 \* **Sec. 6.** AS 04.11.508(c) is amended to read:

2 (c) If the board determines that the perimeter of an established village as  
3 provided under (a) and (b) of this section does not accurately reflect the perimeter of  
4 the established village, the board may establish the perimeter of the established village  
5 **and the areas of overlapping perimeter described under (b) of this section** for  
6 purposes of applying a local option selected under this chapter.

7 \* **Sec. 7.** AS 04.16.051(d) is amended to read:

8 (d) A person acting with criminal negligence who violates this section is guilty  
9 of a class C felony if

10 (1) within the five years preceding the violation, the person has been  
11 previously convicted under

12 (A) this section; or

13 (B) a law or ordinance of this or another jurisdiction with  
14 elements substantially similar to this section; [OR]

15 (2) the person who receives the alcoholic beverage negligently causes  
16 serious physical injury to or the death of another person while under the influence of  
17 the alcoholic beverage received in violation of this section; in this paragraph,

18 (A) "negligently" means acting with civil negligence; and

19 (B) "serious physical injury" has the meaning given in  
20 AS 11.81.900; **or**

21 **(3) the violation occurs within the boundaries of a municipality or**  
22 **the perimeter of an established village that has adopted a local option under**  
23 **AS 04.11.491 and has not opted out of applying a class C felony to violations of**  
24 **this section under AS 04.11.491(g).**

25 \* **Sec. 8.** AS 04.16.220(a) is amended to read:

26 (a) The following are subject to forfeiture:

27 (1) alcoholic beverages manufactured, sold, offered for sale or  
28 possessed for sale, bartered or exchanged for goods and services in this state in  
29 violation of AS 04.11.010; alcoholic beverages possessed, stocked, warehoused, or  
30 otherwise stored in violation of AS 04.21.060; alcoholic beverages sold, or offered for  
31 sale in violation of a local option adopted under AS 04.11.491; alcoholic beverages

1 transported into the state and sold to persons not licensed under this chapter in  
2 violation of AS 04.16.170(b);

3 (2) materials and equipment used in the manufacture, sale, offering for  
4 sale, possession for sale, barter or exchange of alcoholic beverages for goods and  
5 services in this state in violation of AS 04.11.010; materials and equipment used in the  
6 stocking, warehousing, or storage of alcoholic beverages in violation of AS 04.21.060;  
7 materials and equipment used in the sale or offering for sale of an alcoholic beverage  
8 in an area in violation of a local option adopted under AS 04.11.491;

9 (3) aircraft, vehicles, or vessels used to transport, or facilitate the  
10 transportation of

11 (A) alcoholic beverages manufactured, sold, offered for sale or  
12 possessed for sale, bartered or exchanged for goods and services in this state in  
13 violation of AS 04.11.010;

14 (B) property stocked, warehoused, or otherwise stored in  
15 violation of AS 04.21.060;

16 (C) alcoholic beverages imported into a municipality or  
17 established village in violation of AS 04.11.499;

18 (4) alcoholic beverages found on licensed premises that do not bear  
19 federal excise stamps if excise stamps are required under federal law;

20 (5) alcoholic beverages, materials or equipment used in violation of  
21 AS 04.16.175;

22 **(6) money, securities, negotiable instruments, or other things of**  
23 **value used in financial transactions derived from activity prohibited under**  
24 **AS 04.11.010 or in violation of a local option adopted under AS 04.11.491.**

25 \* **Sec. 9.** AS 04.16.220(e) is amended to read:

26 (e) The owner of property subject to forfeiture under (a) **or (i)** of this section  
27 is entitled to relief from the forfeiture in the nature of remission of the forfeiture if, in  
28 an action under (d) of this section, the owner shows that the owner

29 **(1)** was not a party to the violation;

30 **(2)** [AND] had no actual knowledge **or reasonable cause to believe**  
31 that the property was used or was to be used in violation of the law; **and**

1                                   **(3) had no actual knowledge or reasonable cause to believe that the**  
2                                   **person committing the violation had**

3                                   **(A) a criminal record for violating this title; or**

4                                   **(B) committed other violations of this title.**

5 \* **Sec. 10.** AS 04.16.220(f) is amended to read:

6                                   (f) A person other than the owner holding, or the assignee of, a lien, mortgage,  
7                                   conditional sales contract on, or the right to possession to property subject to forfeiture  
8                                   under (a) **or (i)** of this section is entitled to relief from the forfeiture in the nature of  
9                                   remission of the forfeiture if, in an action under (d) of this section, the person shows  
10                                   that the person

11                                   **(1)** was not a party to the violation subjecting the property to  
12                                   forfeiture;

13                                   **(2)** [AND] had no actual knowledge **or reasonable cause to believe**  
14                                   that the property was [USED OR WAS] to be used in violation of the law; **and**

15                                   **(3) had no actual knowledge or reasonable cause to believe that the**  
16                                   **person committing the violation had**

17                                   **(A) a criminal record for violating this title; or**

18                                   **(B) committed other violations of this title.**

19 \* **Sec. 11.** AS 04.16.220 is amended by adding new subsections to read:

20                                   (i) Upon conviction for a violation of AS 04.11.010 or 04.11.499, if an  
21                                   aircraft, vehicle, or watercraft is subject to forfeiture under (a) of this section, the court  
22                                   shall, subject to remission to innocent parties under this section,

23                                   (1) order the forfeiture of an aircraft to the state;

24                                   (2) order the forfeiture of a vehicle or watercraft if

25   (A) the defendant has a prior felony conviction for a violation  
26   of AS 11.41 or a similar law in another jurisdiction;

27   (B) the defendant is on felony probation or parole;

28   (C) the defendant has a prior conviction for violating  
29   AS 04.11.010 or 04.11.499; or

30   (D) the quantity of alcohol transported in violation of this title  
31   was twice the presumptive amounts in AS 04.11.010(c).

1 (j) Notwithstanding (i) of this section, a court is not required to order the  
2 forfeiture of a vehicle or watercraft if the court determines that

3 (1) the vehicle or watercraft is the sole means of transportation for a  
4 family residing in a village;

5 (2) the court may impose conditions that will prevent the defendant's  
6 use of the vehicle or watercraft; and

7 (3) either

8 (A) a member of the family would be entitled to remission  
9 under this section if the family member were an owner of or held a security  
10 interest in the vehicle or watercraft; or

11 (B) if a member of the family would not be entitled to  
12 remission, the family member was unable as a practical matter to stop the  
13 violation making the vehicle or watercraft subject to forfeiture.

14 (k) When forfeiting property under (a), (d), or (i) of this section, a court may  
15 award to a municipal law enforcement agency that participated in the arrest or  
16 conviction of the defendant, the seizure of property, or the identification of property  
17 for seizure, (1) the property if the property is worth \$5,000 or less and is not money or  
18 some other thing that is divisible, or (2) up to 75 percent of the property or the value of  
19 the property if the property is worth more than \$5,000 or is money or some other thing  
20 that is divisible. In determining the percentage a municipal law enforcement agency  
21 may receive under this subsection, the court shall consider the municipal law  
22 enforcement agency's total involvement in the case relative to the involvement of the  
23 state.

24 (l) In this section, "village" means a community of fewer than 1,000 persons  
25 located off the interconnected state road system.

26 \* **Sec. 12.** AS 09.50.020(a) is amended to read:

27 (a) A person who is guilty of contempt is punishable by **a** fine of not more  
28 than \$300 or by imprisonment for not more than six months. However, when the  
29 contempt is one mentioned in AS 09.50.010(3) - (12), or in an action before a  
30 magistrate, the person is punishable by a fine of not more than \$100 unless it appears  
31 that a right or remedy of a party to an action or proceeding was defeated or prejudiced

1 by the contempt, in which case the penalty shall be as prescribed for contempts  
2 described in AS 09.50.010(1) **and** [,] (2) [, AND (13)].

3 \* **Sec. 13.** AS 11.41.220(a) is amended to read:

4 (a) A person commits the crime of assault in the third degree if that person

5 (1) recklessly

6 (A) places another person in fear of imminent serious physical  
7 injury by means of a dangerous instrument;

8 (B) causes physical injury to another person by means of a  
9 dangerous instrument; or

10 (C) while being 18 years of age or older

11 (i) causes physical injury to a child under 10 years of  
12 age and the injury reasonably requires medical treatment;

13 (ii) causes physical injury to a child under 10 years of  
14 age on more than one occasion;

15 (2) with intent to place another person in fear of death or serious  
16 physical injury to the person or the person's family member makes repeated threats to  
17 cause death or serious physical injury to another person; [OR]

18 (3) while being 18 years of age or older, knowingly causes physical  
19 injury to a child under 16 years of age but at least 10 years of age and the injury  
20 reasonably requires medical treatment; **or**

21 **(4) with criminal negligence causes serious physical injury under**  
22 **AS 11.81.900(b)(55)(B) to another person by means of a dangerous instrument.**

23 \* **Sec. 14.** AS 11.41.438(a) is amended to read:

24 (a) An offender commits the crime of sexual abuse of a minor in the third  
25 degree if

26 (1) **being under 16 years of age, the offender engages in sexual**  
27 **penetration with a person who is under 13 years of age and at least three years**  
28 **younger than the offender;**

29 **(2)** being 16 years of age or older, the offender engages in sexual  
30 contact with a person who is 13, 14, or 15 years of age and at least three years younger  
31 than the offender; or

1                   **(3)** [(2)] being 18 years of age or older, the offender engages in sexual  
2 penetration with a person who is 16 or 17 years of age and at least three years younger  
3 than the offender, and the offender occupies a position of authority in relation to the  
4 victim.

5 \* **Sec. 15.** AS 11.41.440(a) is amended to read:

6                   (a) An offender commits the crime of sexual abuse of a minor in the fourth  
7 degree if

8                         (1) being under 16 years of age, the offender engages in [SEXUAL  
9 PENETRATION OR] sexual contact with a person who is under 13 years of age and  
10 at least three years younger than the offender; or

11                         (2) being 18 years of age or older, the offender engages in sexual  
12 contact with a person who is 16 or 17 years of age and at least three years younger  
13 than the offender, and the offender occupies a position of authority in relation to the  
14 victim.

15 \* **Sec. 16.** AS 11.56 is amended by adding a new section to read:

16                   **Sec. 11.56.758. Violation of custodian's duty.** (a) A person commits the  
17 crime of violation of custodian's duty if the person knowingly fails, when acting as a  
18 custodian appointed by the court for a released person under AS 12.30, to report  
19 immediately as directed by the court that the person released has violated a condition  
20 of release.

21                         (b) Violation of custodian's duty is

22                                 (1) a class A misdemeanor if the released person is charged with a  
23 felony;

24                                 (2) a class B misdemeanor if the released person is charged with a  
25 misdemeanor.

26 \* **Sec. 17.** AS 11.81.330(a) is amended to read:

27                   (a) A person may use nondeadly force upon another when and to the extent the  
28 person reasonably believes it is necessary for self defense against what the person  
29 reasonably believes to be the use of unlawful force by the other, unless

30                         (1) the force involved was the product of mutual combat not  
31 authorized by law;

1 (2) the person claiming the defense of justification provoked the  
2 other's conduct with intent to cause physical injury to the other; [OR]

3 (3) the person claiming the defense of justification was the initial  
4 aggressor; or

5 **(4) the force applied was the result of using a deadly weapon the**  
6 **person claiming the defense of justification possessed while**

7 **(A) acting alone or with others to further a felony criminal**  
8 **objective of the person or one or more other persons; or**

9 **(B) a participant in a felony transaction or purported**  
10 **transaction or in immediate flight from a felony transaction or purported**  
11 **transaction in violation of AS 11.71.**

12 \* **Sec. 18.** AS 12.30.020(b)(1) is amended to read:

13 (1) place the person in the custody of a designated person or  
14 organization agreeing as a custodian to supervise the person; the court shall,  
15 personally and in writing, inform the custodian about the duties required of a  
16 custodian, and that failure to report immediately in accordance with the terms of the  
17 order that the person released has violated a condition of release may result in the  
18 custodian's being held **criminally liable** [IN CONTEMPT] under **AS 11.56.758**  
19 [AS 09.50.010];

20 \* **Sec. 19.** AS 12.30.020 is amended by adding a new subsection to read:

21 (i) The court shall issue written or oral findings to demonstrate why conditions  
22 provided under (b)(1) of this section needed to be imposed.

23 \* **Sec. 20.** AS 12.50.101(a) is amended to read:

24 (a) If a witness refuses, on the basis of the privilege against self-incrimination,  
25 to testify or provide other information in a criminal proceeding before or ancillary to a  
26 court or grand jury of this state, and a judge issues an order under (b) of this section,  
27 the witness may not refuse to comply with the order on the basis of the privilege  
28 against self-incrimination. If the witness fully complies with the order, **the witness**  
29 **may not be prosecuted for an offense about which the witness is compelled to**  
30 **testify** [NO TESTIMONY OR OTHER INFORMATION COMPELLED UNDER  
31 THE ORDER, OR INFORMATION DIRECTLY OR INDIRECTLY DERIVED

1 FROM THAT TESTIMONY OR OTHER INFORMATION, MAY BE USED  
2 AGAINST THE WITNESS IN A CRIMINAL CASE], except in a prosecution based  
3 on perjury, giving a false statement [,] or otherwise knowingly providing false  
4 information, or hindering prosecution.

5 \* **Sec. 21.** AS 12.50.101(e) is amended to read:

6 (e) **In** [AS USED IN] this section,

7 **(1) "higher-level felony" means an unclassified or class A felony;**

8 **(2) "lower-level felony" means a class B or class C felony;**

9 **(3) "other information" means books, papers, documents, records,**  
10 **recordings, or other similar material;**

11 **(4) "proffer" means a written or oral statement by the attorney for**  
12 **the witness, stating the attorney's good faith belief of the substance of the**  
13 **witness's testimony or other information.**

14 \* **Sec. 22.** AS 12.50.101 is amended by adding new subsections to read:

15 (f) If a witness refuses, or there is reason to believe the witness will refuse, to  
16 testify or provide other information based on the privilege against self-incrimination,  
17 and if the attorney general or the attorney general's designee has not applied for an  
18 order under (b) of this section, the court shall inform the witness of the right to be  
19 represented by an attorney, and that an attorney will be appointed for the witness if the  
20 witness qualifies for counsel under AS 18.85. The court shall recess the proceeding to  
21 allow the witness to consult with the attorney for the witness.

22 (g) If the attorney general or the attorney general's designee declines to seek  
23 an order under (b) of this section after the witness has had an opportunity to consult  
24 with an attorney, and the witness continues to refuse to testify or provide other  
25 information, the court shall hold a hearing to determine the validity of the claim of  
26 privilege by the witness. The hearing shall be in camera.

27 (h) At the hearing under (g) of this section, the attorney for the witness, in the  
28 form of a proffer, shall describe the testimony or other information that the witness  
29 claims is privileged. The proffer must include a description of how the testimony or  
30 other information could connect the witness with a crime. The proffer is privileged  
31 and inadmissible for any other purpose. If the proffer establishes a factual basis that

1 there is a real or substantial danger that the testimony or other information to be  
2 compelled would support a conviction or would furnish a link in the chain of evidence  
3 leading to conviction for a crime, the court may find that the witness has a valid claim  
4 of privilege.

5 (i) If the court finds that the witness has a valid claim of privilege, it shall  
6 advise an attorney designated by the attorney general of that finding and inform the  
7 attorney of the category or categories of offense to which the privilege applies: a  
8 higher-level felony, a lower-level felony, or a misdemeanor. If the designated attorney  
9 decides that granting immunity to the witness is appropriate, the designated attorney  
10 shall inform the prosecution of that decision, and shall deliver or cause to be delivered  
11 a letter to the witness, or an attorney for the witness, granting immunity to the witness.  
12 The designated attorney may not disclose the category of offense to anyone.

13 \* **Sec. 23.** AS 18.66.100(b) is amended to read:

14 (b) When a petition for a protective order is filed, the court shall schedule a  
15 hearing and provide at least 10 days' notice to the respondent of the hearing and of the  
16 respondent's right to appear and be heard, either in person or by an attorney. If the  
17 court finds by a preponderance of evidence that the respondent has committed a crime  
18 involving domestic violence against the petitioner, regardless of whether the  
19 respondent appears at the hearing, the court may order any relief available under (c) of  
20 this section. The provisions of a protective order issued under

21 (1) (c)(1) of this section are effective until further order of the court;

22 (2) (c)(2) - (16) of this section are effective for **one year** [SIX  
23 MONTHS] unless earlier dissolved by court order.

24 \* **Sec. 24.** AS 18.85.100 is amended by adding a new subsection to read:

25 (f) Notwithstanding (a) of this section, an indigent person is entitled to the  
26 representation and necessary services and facilities of representation as provided in (a)  
27 of this section when the person is a witness who refuses or there is reason to believe  
28 will refuse to testify or provide other information based on the privilege against self-  
29 incrimination.

30 \* **Sec. 25.** AS 28.35.030(a) is amended to read:

31 (a) A person commits the crime of driving while under the influence of an

1 alcoholic beverage, inhalant, or controlled substance if the person operates or drives a  
2 motor vehicle or operates an aircraft or a watercraft

3 (1) while under the influence of an alcoholic beverage, intoxicating  
4 liquor, inhalant, or any controlled substance, **singly or in combination; or**

5 (2) **and if** [WHEN], as determined by a chemical test taken within four  
6 hours after the alleged **operating or driving** [OFFENSE WAS COMMITTED], there  
7 is 0.08 percent or more by weight of alcohol in the person's blood or 80 milligrams or  
8 more of alcohol per 100 milliliters of blood, or **if** [WHEN] there is 0.08 grams or more  
9 of alcohol per 210 liters of the person's breath [; OR

10 (3) WHILE THE PERSON IS UNDER THE COMBINED  
11 INFLUENCE OF AN ALCOHOLIC BEVERAGE, AN INTOXICATING LIQUOR,  
12 AN INHALANT, AND A CONTROLLED SUBSTANCE].

13 \* **Sec. 26.** AS 28.35.030(n) is amended to read:

14 (n) A person is guilty of a class C felony if the person is convicted under (a) of  
15 this section and **either** has been previously convicted two or more times since  
16 January 1, 1996, and within the 10 years preceding the date of the present offense, **or**  
17 **punishment under this subsection or under AS 28.35.032(p) was previously**  
18 **imposed within the last 10 years.** For purposes of determining minimum sentences  
19 based on previous convictions, the provisions of (r)(4) of this section apply. Upon  
20 conviction, the court

21 (1) shall impose a fine of not less than \$10,000 and a minimum  
22 sentence of imprisonment of not less than

23 (A) 120 days if the person has been previously convicted twice;

24 (B) 240 days if the person has been previously convicted three  
25 times;

26 (C) 360 days if the person has been previously convicted four  
27 or more times;

28 (2) may not

29 (A) suspend execution of sentence or grant probation except on  
30 condition that the person serve the minimum imprisonment under (1) of this  
31 subsection; or

1 (B) suspend imposition of sentence;

2 (3) shall permanently revoke the person's driver's license, privilege to  
3 drive, or privilege to obtain a license subject to restoration of the license under (o) of  
4 this section;

5 (4) may order that the person, while incarcerated or as a condition of  
6 probation or parole, take a drug or combination of drugs, intended to prevent the  
7 consumption of an alcoholic beverage; a condition of probation or parole imposed  
8 under this paragraph is in addition to any other condition authorized under another  
9 provision of law;

10 (5) shall order forfeiture under AS 28.35.036 of the vehicle, watercraft,  
11 or aircraft used in the commission of the offense, subject to remission under  
12 AS 28.35.037; and

13 (6) shall order the department to revoke the registration for any vehicle  
14 registered by the department in the name of the person convicted under this  
15 subsection; if a person convicted under this subsection is a registered co-owner of a  
16 vehicle or is registered as a co-owner under a business name, the department shall  
17 reissue the vehicle registration and omit the name of the person convicted under this  
18 subsection.

19 \* **Sec. 27.** AS 28.35.030 is amended by adding a new subsection to read:

20 (s) In a prosecution under (a) of this section, a person may introduce evidence  
21 on the amount of alcohol consumed before or after operating or driving the motor  
22 vehicle, aircraft, or watercraft to rebut or explain the results of a chemical test, but the  
23 consumption of alcohol before operating or driving may not be used as a defense that  
24 the chemical test did not measure the blood alcohol at the time of the operating or  
25 driving. Consumption of alcohol after operating or driving the motor vehicle, aircraft,  
26 or watercraft may be used to raise such a defense.

27 \* **Sec. 28.** AS 28.35.032(p) is amended to read:

28 (p) A person is guilty of a class C felony if the person is convicted under this  
29 section and **either** has been previously convicted two or more times since January 1,  
30 1996, and within the 10 years preceding the date of the present offense, **or**  
31 **punishment under this subsection or under AS 28.35.030(n) was previously**

1 **imposed within the last 10 years.** For purposes of determining minimum sentences  
2 based on previous convictions, the provisions of AS 28.35.030(r)(4) apply. Upon  
3 conviction,

4 (1) the court shall impose a fine of not less than \$10,000 and a  
5 minimum sentence of imprisonment of not less than

6 (A) 120 days if the person has been previously convicted twice;

7 (B) 240 days if the person has been previously convicted three  
8 times;

9 (C) 360 days if the person has been previously convicted four  
10 or more times;

11 (2) the court may not

12 (A) suspend execution of the sentence required by (1) of this  
13 subsection or grant probation, except on condition that the person serve the  
14 minimum imprisonment under (1) of this subsection; or

15 (B) suspend imposition of sentence;

16 (3) the court shall permanently revoke the person's driver's license,  
17 privilege to drive, or privilege to obtain a license subject to restoration under (q) of  
18 this section;

19 (4) the court may order that the person, while incarcerated or as a  
20 condition of probation or parole, take a drug, or combination of drugs, intended to  
21 prevent consumption of an alcoholic beverage; a condition of probation or parole  
22 imposed under this paragraph is in addition to any other condition authorized under  
23 another provision of law;

24 (5) the sentence imposed by the court under this subsection shall run  
25 consecutively with any other sentence of imprisonment imposed on the person;

26 (6) the court shall order forfeiture under AS 28.35.036, of the motor  
27 vehicle, aircraft, or watercraft used in the commission of the offense, subject to  
28 remission under AS 28.35.037; and

29 (7) the court shall order the department to revoke the registration for  
30 any vehicle registered by the department in the name of the person convicted under  
31 this subsection; if a person convicted under this subsection is a registered co-owner of

1 a vehicle, the department shall reissue the vehicle registration and omit the name of  
2 the person convicted under this subsection.

3 \* **Sec. 29.** AS 28.35.033(c) is amended to read:

4 (c) **Except as provided in AS 28.35.030(s), the** [THE] provisions of (a) of  
5 this section may not be construed to limit the introduction of any other competent  
6 evidence bearing upon the question of whether the person was or was not under the  
7 influence of intoxicating liquor.

8 \* **Sec. 30.** AS 47.12.310 is amended by adding a new subsection to read:

9 (k) A state or municipal agency, other than a state or municipal law  
10 enforcement agency, or authorized employee may disclose to the public information  
11 regarding a case as may be necessary to protect the safety of the public provided the  
12 disclosure is authorized by regulations adopted by the department.

13 \* **Sec. 31.** AS 09.50.010(13) is repealed.

14 \* **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to  
15 read:

16 APPLICABILITY. (a) The changes made in secs. 7 - 11, 13 - 15, 17, and 25 of this  
17 Act apply to offenses committed on or after the respective effective date of those sections.

18 (b) Sections 26 and 28 of this Act apply to offenses occurring on or after the effective  
19 date of those sections, except that previous punishment, referred to in AS 28.35.030(n), as  
20 amended by sec. 26 of this Act, and in AS 28.35.032(p), as amended by sec. 28 of this Act,  
21 includes punishment imposed before, on, or after the effective date of secs. 26 and 28 of this  
22 Act.

23 (c) Sections 16, 18, and 19 of this Act apply to custodians who fail to report on or  
24 after the effective date of secs. 16, 18, and 19 of this Act, for persons released for offenses  
25 committed before, on, or after the effective date of secs. 16, 18, and 19 of this Act.

26 (d) The changes made in secs. 20, 22, 24, 27, and 29 of this Act apply to criminal  
27 proceedings for offenses committed before, on, or after the effective date of those sections.

28 (e) Section 30 of this Act applies to an offense occurring before, on, or after the  
29 effective date of that section.

30 \* **Sec. 33.** Sections 1 - 22 and 24 - 32 of this Act take effect July 1, 2004.