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## HB 192: Deliver/Pick Up of Alcohol; Licensing Sectional Analysis Version B

**Section 1:** AS 04.09.230(e) amends sub-section (4) to add an exception under (h) and implements a requirement for a package store delivery endorsement under AS 04.09.470 or consumer delivery license under AS 04.09.380 for the delivery of alcoholic beverages to a person not present on the licensed premises.

**Sec. 2.** AS 04.09.230(f) is amended to clearly communicate (h) cannot be violated within the amended statute.

**Sec. 3.** AS 04.09.230 is amended by adding new subsections to allow the holder of a package store license to offer curbside pickup of alcoholic beverages if the alcoholic beverage is sealed or package in a closed bottle or can by the manufacturer or sealed, tamper-proofed, and labeled in a growler by the holder.

Furthermore, an agent or employee who is not an independent contractor and has completed an alcohol server education course delivers the alcoholic beverage from the licensed premises to the purchaser at the location described in the next paragraph of this sectional analysis and requires the purchaser to provide identification and acceptable proof of age.

House Bill 192 also includes the following sub-sections to better define the bill:

- The holder designates a parking place less than 225 feet from the entry to the package store premises for pickup of alcoholic beverages.
- The transaction is not prohibited under AS 04.16.030
- The holder provides written information regarding the license and curbside pickup on a form prescribed by the director.
- The holder consents to an inspection of the area designated for curbside pickup, excluding private vehicles, at all reasonable times and in a reasonable time and in a reasonable manner by an officer or employee charged with enforcing the alcoholic beverage control laws and the regulations of the board or by a peace officer acting in the official capacity of a peace officer.

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**Sec. 4.** AS 04.09 is amended by adding a new section named “Sec. 04.09.380. Consumer delivery license” which allows the holder of a package store license, or a person who contracts with or employs individuals for the delivery of retail goods to consumers, or an agent, employee, or independent contractor of the holder or person to deliver alcoholic beverages from the license premise of a package store to an individual who is located off the licensed premises.

Furthermore, the holder of a consumer license or the agent, employee, or independent contractor of the holder may deliver an alcoholic beverage only to an individual who meets the following criteria:

- Is 21 years of age or older
- Provides identification and acceptable proof of age under AS 04.21.050(b)
- Places the order for purchase of the alcoholic beverage, is designated by the purchaser as a delivery recipient, or is located at the delivery address provided by the purchaser.

The holder of a consumer delivery license may deliver an alcoholic beverage outside the hours of operation of the package store if the holder receives the order for purchase during the hours permitted under AS 04.16.010 and the individual delivering the alcoholic beverage completes the delivery within a reasonable amount of time after leaving the package store.

If the holder of a consumer delivery license does not hold a package store license, the holder of the package store license is not liable for an action of the holder of the consumer delivery license or an agent, employee, or independent contractor of the holder of the consumer delivery license relating to an alcoholic beverage delivered from the package store, including delivery to an individual under 21 years of age in violation of AS 04.16.051 or a drunken person in violation of AS 04.16.030.

An individual may not deliver an alcoholic beverage under this section unless the individual is 21 years of age or older and holds a valid driver’s license. The holder of a consumer delivery license or the agent, employee, or independent contractor of the holder may not deliver an alcoholic beverage under this section who is in an area where the sale of alcoholic beverages has been restricted under AS 04.11.491.

The holder of a consumer delivery license commits the offense of failure to comply with the terms of a consumer delivery license if the person sells alcoholic beverages in violation of (a) in

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this statute or fails to comply with the requirements of (b), (c), (e), or (f) of this section. Failure to comply with the terms of a consumer delivery license is a violation.

**Sec. 5.** AS 04.09.480(c) is amended to insert AS 04.09.230(h) on sub-section B within (1) as an additional accordance to subdivide alcoholic beverages in response to a purchase request from a person who is on the licensed premises or purchase order submitted.

**Sec. 6.** AS 04.11.400(i) is amended to replace sub-section (11) with the following language:

“consumer delivery license issued under AS 04.09.380.”

The former sub-section (11) is reformatted in section 6 to sub-section (12).

**Sec. 7.** AS 04.21.020(a) is amended to replace AS 04.11.080 – 04.11.220 with AS 04.09.020 – 04.09.380 [AS 04.09.020 – 04.09.370].

**Sec. 8.** AS 09.65.315(b) is amended to replace AS 04.09.020-04.09.370 with AS 04.09.020 – 04.09.380 [AS 04.09.020 – 04.09.370].

**Sec. 9.** Uncodified law is amended by adding a new section for Transition language, allowing the Alcoholic Beverage Control Board to adopt regulations necessary to implement the changes made by this Act.

**Sec. 10.** Specifies the effective date of Section 9 as immediate.

**Sec. 11.** Specifies the effective date of all other sections of this Act, excluding Section 9, as January 1, 2025.