

Senator Peter A. Micciche

Alaska State Legislature

Session Address:

Alaska State Capitol, Rm. 508
Juneau, Alaska 99801-1182
Phone: (907) 465-2828
Toll Free: (800) 964-5733



Interim Address:

145 Main Street Loop, Ste. 226
Kenai, Alaska 99611-7771
Phone: (907) 283-7996
Fax: (907) 283-8127

Existing in Statute

Existing in Regulations

Penalty or Fee Change

New Concept

SB 76 (FIN) Version C

Sectional Analysis

Chapter 06. Alcoholic Beverage Control Board

Pages 1-5

Section 1 - Authority of the director

AS 04.06.075 new subsection provides that the director of the ABC Board shall prepare the budgets for admin, enforcement, education, training, and prevention activities under Title 4.

Section 2 - Delegation of authority

AS 04.06.080 adds endorsements to delegated powers, also edits cross reference.

Section 3 - Powers and duties

AS 04.06.090(b) relocation of language from existing AS 04.11.070 which limits the power to issue, revoke, transfer, or renew a license to the board and references endorsements.

Section 4

AS 04.06.090(e) references endorsements.

Section 5

AS 04.06.090 adds new subsection that directs the board to prepare Title 4 education plan for public safety, industry, youth, municipalities, and the public with annual revision.

Adds new subsections which direct the board to review fees every 10 years, allow opinions on legislation amending this title, requires the board to provide notice of

violations to licensees and to post FASD information online for package store and winery licensees to include with shipped orders.

Section 6 – Statewide database

AS 04.06.095 allows for certain information from the statewide database to be retained up to 10 years, only identifying information will be purged annually. Adds reference to endorsement.

Section 7

AS 04.06.095(c) adds new subsection which directs the board to produce a report of aggregate regional sales of alcohol in local option areas, based on information retained in database and not including identifying data about an individual purchaser or seller.

Section 8 – Regulations

AS 04.06.100(b) adds endorsements, removes the board's power to create additional licenses and permits in regulation, and adds the power to restrict manufacturing, packaging, sale, and distribution of products containing alcohol for consumption.

Section 9 – Proposed new chapter AS 04.09 to replace sections defining license types and permit types currently in AS 04.11 and regulation.

Chapter 09. Licenses, Endorsements, and Permits.

Pages 5-50

Article 1. License Types.

AS 04.09.010. Types of licenses. Gives the definition of license, three tiers, and limits license types to those listed in this chapter.

Article 2. Manufacturer Licenses.

AS 04.09.020. Brewery manufacturer license. Relocates the brewery license from 04.11.130, moves other provisions from current brewery manufacturer's license to endorsements and new license types, sets the biennial fee at **\$1,500** and requires that at least 80% of the final product of brewed beverages sold be manufactured on licensed premises in Alaska.

AS 04.09.030. Winery manufacturer license. Relocates the winery license from 04.11.140, moves other provisions from current winery license to endorsements and new license types, sets the biennial fee at **\$1,500** and requires that at least 80% of the final product of wine sold be manufactured on licensed premises in Alaska.

AS 04.09.040. Distillery manufacturer license. Relocates the distillery license from 04.11.160, moves other provisions from current winery license to endorsements and new license types, sets the biennial fee at \$1,500 and requires that at least 80% of the final product of distilled spirits sold be manufactured on licensed premises in Alaska.

AS 04.09.050. Authorized sales. Allows smaller manufacturers to self-distribute to retail, wholesale, permitted and out of state or country licensees. Requires large manufacturers to go through wholesale distributors.

AS 04.09.060. Unlicensed manufacturing. Relocates the existing class A misdemeanor for unlicensed manufacture from 04.11.010.

AS 04.09.070. Unlicensed manufacturing in a local option area. Relocates the existing class C felony for unlicensed manufacture in a local option area from 04.11.010.

AS 04.09.080. Unauthorized manufacturer sale. Defines unauthorized manufacturer sale as violating 04.09.050, which is a \$250 fine.

AS 04.09.090. Definition. Defines “packaging” which is the process of containing alcoholic beverages in bottles or other containers for sale.

Article 3. Wholesale Licenses.

AS 04.09.100. General wholesale license. Relocates the general wholesale license from 04.11.160, moves other existing components to other places in the chapter, maintains \$2,000 biennial fee, maintains \$10,000 maximum fee, and reduces annual transaction fees for smaller businesses.

AS 04.09.110. Limited wholesale brewed beverage and wine license. Relocates limited wholesale license from previous wholesale license section (AS 04.11.160(b)) in a separate section, maintains \$400 biennial fee, maintains maximum \$10,000 annual fee, and reduces annual transaction fees for smaller businesses.

AS 04.09.120. Annual fee and affidavit. Relocates existing affidavit requirement from previous wholesale licenses section (AS 04.11.160(c)-(d)), requires a wholesale licensee to submit an affidavit to the board stating total value of annual sales, including tax.

AS 04.09.130. Wholesaler supplier declaration. Relocates the wholesale supplier declaration from previous wholesale licenses section (AS 04.11.160(e)), maintains current fee structure, and simplifies the required reporting process.

AS 04.09.140. Unlicensed wholesale. Relocates unlicensed wholesale provision from 04.11.010 and maintains existing class A misdemeanor.

AS 04.09.145. Unlicensed wholesale in a local option area. Relocates existing penalty for unlicensed wholesale in a local option area from 04.11.010 and maintains existing class C felony.

AS 04.09.150. Failure to pay annual fee or file affidavit. States that failure to pay an annual wholesale fee or file an affidavit is a violation and lowers the penalty from a misdemeanor to a \$250 fine.

AS 04.09.160. Failure to pay biennial fee or file declaration. States that failure to pay a biennial fee and failure to file a declaration are violations. Lowers the penalty from a misdemeanor to a \$250 fine.

Article 4. Retail Licenses.

AS 04.09.200. Beverage dispensary license. Relocates and simplifies the BDL license language from, maintains the \$2,500 biennial fee, references the multiple fixed counter endorsement, and lowers the penalty for unauthorized beverage dispensary activity from a misdemeanor to a violation. Sections in current BDL (AS 04.11.090) for bowling alley and hotel licensees relocated to become separate endorsements.

AS 04.09.210. Restaurant and eating place license. Relocates license from 04.11.100, raises biennial fee to \$1,250, maintains 1:1 food to alcohol ratio, strikes 1996 exemption, limits the number of annual allowed after-hours entertainment events to six, and lowers the penalty for failure to comply with license terms from a misdemeanor to a violation.

AS 04.09.220. Club license. Relocates license from 04.11.110, raises biennial fee to \$1,500, and lowers the penalty for failure to comply with license terms from a misdemeanor to a violation.

AS 04.09.230. Package store license. Relocates license from 04.11.150, maintains biennial fee of \$1,500, and lowers penalty for failure to comply with license terms from a misdemeanor to a violation. Sections in current AS 04.11.150 for delivery, shipping and other activities relocated to become separate endorsements.

AS 04.09.240. Pub license. Relocates license from 04.11.220, raises biennial fee to \$1,250, and lowers penalty for failure to comply with license terms from a misdemeanor to a violation. Adds provision allowing designation of alternating premises, which allows a second location on a university campus that must be operated during mutually exclusive hours from existing license.

AS 04.09.250. Theatre license. Relocates license from regulation (3 AAC 304.695), raises biennial fee to \$1,250, and lowers the penalty for failure to comply with license terms from a misdemeanor to a violation.

AS 04.09.260. Common carrier dispensary license. Relocates license from 04.11.180, maintains current fee schedule, removes "vehicle" as a qualifying premises, maintains current class A misdemeanor for unauthorized common carrier dispensary activity and lowers the penalty for common carrier dispensary noncompliance from a misdemeanor to a violation.

AS 04.09.270. Sporting event license. Relocates and renames recreational site license, raises biennial fee to \$1,250, allows for service and multiple noncontiguous locations, lowers penalty for unauthorized sporting event activity from a misdemeanor to a violation, and establishes 8-year sunset dates for licenses issued under former AS 04.11.210.

AS 04.09.280. Outdoor recreation lodge license. Relocates license from 04.11.225, raises biennial fee to \$2,500, and lowers penalty for unauthorized outdoor recreation lodge activity from a misdemeanor to a violation.

AS 04.09.290. Golf course license. Relocates license from 04.11.115, raises biennial fee to \$1,250, and lowers penalty for failure to comply with license terms from a misdemeanor to a violation.

AS 04.09.300. Destination resort license. Relocates license from 04.11.255, raises biennial fee to \$2,500, allows for service at multiple noncontiguous locations, and lowers penalty for failure to comply with license terms from a misdemeanor to a violation.

AS 04.09.310. Brewery retail license. Creates new license type based on existing language in AS 04.11.130 for brewery retail activities, sets biennial fee at \$1,250, and sets penalty for failure to comply with license terms.

AS 04.09.320. Winery retail license. Creates new license type based on existing language in AS 04.11.140 for winery retail activities, sets biennial fee at \$1,250, and sets penalty for failure to comply with license terms.

AS 04.09.330. Distillery retail license. Creates new license type based on existing language in AS 04.11.170 for distillery retail activities, sets biennial fee at \$1,250, and sets penalty for failure to comply with license terms.

AS 04.09.340. Beverage dispensary tourism license. Relocates license from AS 04.11.400(d), maintains biennial fee at \$2,500, and lowers penalty for unauthorized beverage dispensary activity from a misdemeanor to a violation. Other language in AS 04.11.400(d) relocated to Hotel or Motel Endorsement.

AS 04.09.350. Seasonal restaurant or eating place license. Creates new license type, sets biennial license fee at \$1,250, defines which communities can qualify for having this license type, directs the board to create a formula for determining number of allowed licenses per community, and sets penalty for failure to comply with license terms.

AS 04.09.360. Winery direct shipment license. Creates new license type authorizing direct to consumer (including online) sales of wine for in-state or out-of-state winery, sets biennial license fee at \$200, directs the board to develop an application form specifically for this license, and sets penalty for failure to comply with license terms.

AS 04.09.370. Unlicensed retail sale. Relocates existing unlicensed retail sale from 04.11.010 and maintains current misdemeanor.

AS 04.09.380. Unlicensed retail sale in a local option area. Relocates existing unlicensed retail sale in a local option area from 04.11.010 and maintains current class C felony.

Article 5. Endorsements.

AS 04.09.400. Types of endorsements. Defines endorsements, clarifies that endorsements must be exercised with a license.

AS 04.09.410. Manufacturer sampling endorsement. Creates new endorsement for onsite sampling based on existing language from manufacturing licenses, defines per person per day volume limits by product type, sets biennial fee at \$200, sets penalties for unendorsed sampling and endorsement noncompliance.

AS 04.09.420. Multiple fixed counter endorsement. Creates new endorsement for multiple fixed counters with language relocated from duplicate license section in AS 04.11.090, sets biennial fee at \$200, sets initial application fee per counter, sets penalties for endorsement noncompliance and unendorsed service.

AS 04.09.430. Hotel or motel endorsement. Creates new endorsement using some language relocated from AS 04.11.090, sets biennial fee at \$200, sets penalties for unendorsed hotel or motel service and endorsement noncompliance.

AS 04.09.440. Large resort endorsement. Creates new endorsement using some language relocated from AS 04.11.090, defines a large resort, sets biennial fee at \$200, sets penalties for unendorsed large resort service and endorsement noncompliance.

AS 04.09.450. Restaurant endorsement. Creates new endorsement using language from the Restaurant Designation Permit currently in regulation, sets biennial fee at \$200, sets penalties for unendorsed restaurant service and endorsement noncompliance.

AS 04.09.460. Package store shipping endorsement. Creates new endorsement by relocating language from AS 04.11.150, allows licensees to accept online orders, sets biennial fee at \$200, sets penalties for unendorsed package store shipping and endorsement noncompliance.

AS 04.09.470. Package store delivery endorsement. Creates new endorsement by relocating language from AS 04.11.150, sets biennial fee at \$200, sets penalties for unendorsed package store delivery and endorsement noncompliance.

AS 04.09.480. Package store repackaging endorsement. Creates new endorsement by relocating language from regulation, sets biennial fee at \$200, sets penalties for unendorsed package store repackaging and endorsement noncompliance.

AS 04.09.490. Package store sampling endorsement. Creates new endorsement, defines per person per day volume limits by product type, sets biennial fee at \$200, sets penalties for unendorsed package store sampling and endorsement noncompliance.

AS 04.09.500. Bowling alley endorsement. Creates new endorsement using language from AS 04.11.090, sets biennial fee at \$200, sets penalties for unendorsed bowling alley service and endorsement noncompliance.

AS 04.09.510. Golf course endorsement. Creates new endorsement using language from AS 04.11.115, sets biennial fee at \$200, sets penalties for unendorsed golf course service and endorsement noncompliance.

AS 04.09.520. Brewery repackaging endorsement. Creates new endorsement by relocating language from AS 04.11.135, limits availability to licensees currently operating brewpubs, sets biennial fee at \$200, sets penalties for unendorsed brewery repackaging and endorsement noncompliance.

Article 6. Permits.

AS 04.09.600. Types of permits. Defines permits, establishes application process, requires servers to have an alcohol server education card, and sets daily fee for all permit types at least \$50 per event day.

AS 04.09.610. Beverage dispensary caterer's permit. Relocates caterer's permit from 04.11.230 and renames.

AS 04.09.620. Restaurant caterer's dining permit. Relocates permit from regulations, renames to allow service of meals other than dinner, and requires meal services as part of food to alcohol ratio sales requirement.

AS 04.09.630. Club caterer's permit. Relocates permit from regulations and simplifies existing language for application process.

AS 04.09.640. Art exhibit permit. Relocates permit from regulations, removes option for annual \$100 fee, and simplifies existing language.

AS 04.09.650. Nonprofit organization event permit. Relocates special events permit from 04.11.240 and renames, simplifies existing language for application process.

AS 04.09.660. Alcoholic beverage auction permit. Relocates wine auction permit from regulations and renames to allow all alcoholic beverages to be auctioned.

AS 04.09.670. Tasting event permit. Creates new permit, allows a beverage dispensary license holder to partner with a manufacturer retail licensee or package store to host a tasting event on the partner's location and serving the partner's product inventory, sets a time limit and food requirement, and limits to six events per partnering license per year.

AS 04.09.680. Inventory resale permit. Relocates retail stock sale license from 04.11.200 and renames.

AS 04.09.690. Conditional contractors permit. Relocates permit from 04.11.250.

AS 04.09.700. Failure to comply with a permit requirement. Lowers the penalties for failure to comply with permit requirements from misdemeanors to violations.

Article 7. Common Carrier Approval

AS 04.09.750. Common carrier approval. Requires board approval in order to deliver alcoholic beverages to a person in the state. Common carriers delivering alcoholic beverages must deliver to a person at least 21 years of age who presents identification and must obtain a signature. They will be required to keep record of alcohol shipments available for audit by the board. The board shall keep a public list of approved carriers. Sets penalties for unapproved common carrier transport or delivery and common carrier noncompliance and violations.

Chapter 11. Licensing.

Pages 50-78

Sections 10-12 - License or permit required; presumption concerning possession for sale.

AS 04.11.010(a) relocates penalties for unlicensed manufacture, sale and offering for sale. Unlicensed sale is addressed in new sections in proposed AS 04.09.

AS 04.11.010(b) adds reference to the package store shipping license.

AS 04.11.010(c) adds references to unlicensed sale, corrects term "half-keg" and adds barter to local option violation.

Section 13 - Purchase from nonlicensee prohibited

AS 04.11.015 prohibits barter for alcoholic beverages and adds penalty with \$250 fine.

Section 14 - Board approval of transfer

AS 04.11.040 adds penalty for unauthorized transfer of an alcoholic beverage license or permit with \$250 fine.

Section 15 - Reports required of limited liability organizations

AS 04.11.045 adds penalty for failure to report a change in member interest or manager with \$250 fine.

Section 16 - Reports required of corporations

AS 04.11.050 adds penalty for failure to report a stock transfer or change of officers or board members with \$250 fine.

Section 17 - Reports required of partnerships

AS 04.11.055 adds penalty for failure to report a transfer of partnership interest or change of general partner with \$250 fine.

Sections 18-19 - Nonresident distiller, brewer, winery, or wholesaler

AS 04.11.060 amends reference to general wholesale license and maintains current penalty for violating the section.

Sections 20-21 - Application for new license, endorsement, or permit

AS 04.11.260 adds endorsement, requires phone number and e-mail of applicant, requires annotated premises drawing, adds license references with individual application requirements and exempts winery direct shipment license.

Sections 22-23 - Application for renewal of license or permit

AS 04.11.270 adds endorsements, adds conditional contractor's permit, edits reference, allows renewal applications to be sent via electronic mail exempts winery direct shipment license.

Section 24 - Application for transfer of a license to another person

AS 04.11.280 adds endorsements as transferrable with a license.

Sections 25-26 - Criminal justice information and records

AS 04.11.295(a) adds issuance and renewal for conditional contractor's permit.

AS 04.11.295(b)(1) adds reference to conditional contractor's permit.

Section 27 - Notice of application

AS 04.11.310 exempts winery direct shipment license from notice requirements.

Section 28 - False statement on application.

AS 04.11.315 relocates AS 04.16.210 and defines crime of making false statements on an application to as perjury, defined in AS 11.56.200.

Section 29 - Denial of new licenses and permits

AS 04.11.320(a) adds references to endorsements.

Sections 30-33 - Denial of license or permit renewal

AS 04.11.330(a) changes 30 eight-hour day minimum operating requirement to 240 hours and removes reference to public convenience license. [effective immediately]

AS 04.11.330(a) duplicate section adds endorsement, adds reference to beverage dispensary tourism license, and adds reference to seasonal restaurant or eating place tourism license. [effective with other licensing changes, 1/1/2020]

AS 04.11.330(d) exempts common carrier dispensary licenses and renames reference to recreational site license.

AS 04.11.330(e) exempts winery direct shipment license.

Sections 34-35 - Denial of request for relocation

AS 04.11.340 removes reference to public convenience license. [effective immediately]

AS 04.11.340 duplicate section, adds reference to 04.11.400(k) and removes reference to 04.11.400(d). [effective with other licensing changes, 1/1/2020]

Section 36 - Denial of transfer of a license to another person.

AS 04.11.360 removes public convenience license reference and allows transfer of a BDL tourism license. [effective immediately]

Section 37 - Licensed premises in multi-unit residential housing developments owned or financed by the Alaska Housing Finance Corporation

AS 04.11.365 adds reference to restaurant endorsement.

Section 38 - Suspension and revocation of licenses and permits

AS 04.11.370 adds endorsements.

Sections 39-40 - Board imposed conditions or restrictions

AS 04.11.395 section title change and adds reference to endorsements.

AS 04.11.395(b) allows the director to impose conditions or restrictions on any permit other than a conditional contractor's permit.

Sections 41-44 - Population limitations.

AS 04.11.400(a) adds reference to 04.11.405. [effective immediately]

AS 04.11.400(a) duplicate section, edits subsection reference, defines five-mile radius outside cities, adds new population limit for manufacturer retail licenses, adds licenses exempt from population limits and exempts local option populations from calculations. [effective with other licensing changes, 1/1/2020]

AS 04.11.400(i) lists licenses exempt from population limits.

AS 04.11.400(k) edits reference to beverage dispensary license, allows relocation of a package store, lowers borough threshold population, restricts number of licenses eligible for transfer to those exceeding population limits and defines number of allowed transfers by city, not borough.

Sections 45-47 - Petition for additional restaurant or eating place licenses for certain local governing bodies

AS 04.11.405 adds new section that gives certain local governing bodies the ability to petition the board for additional restaurant or eating place licenses allocated to their jurisdiction. Once granted licenses, they must wait three years to petition again. [effective immediately]

AS 04.11.405(a)-(b) duplicate sections amending cross-references to restaurant and eating place license. [effective with other licensing changes, 1/1/2020]

Section 48 - Person and location

AS 04.11.430 updates definition of corporation to match Title 10 and requires additional information from licensees.

Sections 49-51 - Prohibited financial interest

AS 04.11.450(b) retains restrictions for wholesale licensees from owning a manufacturing tier license or retail tier license, removes restriction on small manufacturers owning retail tier licenses.

AS 04.11.450(e) adds reference to limited wholesale license to restriction on acting as an employee or agent of a manufacturer tier license or retail tier license and adds the new statutory license references.

AS 04.11.450 adds new section that restricts manufacturers above certain annual production from owning a wholesale tier license or retail tier license.

Section 52 - Prior public approval

AS 04.11.460 exempts winery direct shipment license.

Section 53 - 56

AS 04.11.470 - AS 04.11.480 adds endorsements to allowable objections and protest.

Section 57 - 60 - Local options

AS 04.11.491 renumbers statutory references to license types and adds outdoor recreation lodge as one of license types that can be exempted from restrictions on sale in local option elections

Section 61 - Notice to local governing body

AS 04.11.520 clarifies language for notice process and adds endorsements.

Section 62 - Suspension and revocation based on acts of employees

AS 04.11.535(a) adds endorsements, reference to permittee as applicable and clarifying language.

Section 63 - 66

AS 04.11.537 - AS 04.11.570 adds endorsements or conditional contractors permit to application, renewal and expiration, appeals, refunds and forfeiture of fees procedures.

Section 67 - Surrender or destruction of a license

AS 04.11.580(b) changes language to "not later than".

Section 68 - Disposition of money

AS 04.11.590(a) adds reference to endorsements and permits.

Section 69 - Refund to municipalities

AS 04.11.610 changes "refund" to "allocation" throughout and specifies content of reporting by municipalities for how license fee funds were used for alcohol-related education and enforcement.

Section 70 - Accessibility of license and licensed premises to inspection

AS 04.11.630(b) adds endorsements, permits and includes premises during a permitted event.

Section 71 - Duration of licenses, endorsements, and permits

AS 04.11.680 adds endorsements, conditional contractors permit, states that permits must be issued for a specified time, and removes fee reduction for seasonal licenses.

Chapter 16. Regulation of Sales and Distribution.

Pages 78-95

Sections 72-73 - Hours of sale and presence on licensed premises (standard closing hours)

AS 04.16.010(c) allows a person to be on the licensed premises outside of the hours of sale to conduct business with the licensee, maintenance or improvements, common carrier licensees and adds restaurant endorsement reference.

AS 04.16.010(e) lowers penalty from a misdemeanor to a violation.

Sections 74-75 - Pricing and marketing of alcoholic beverages

AS 04.16.015(a) exempts sampling endorsements and defines week as seven days.

AS 04.16.015 lowers penalty from a misdemeanor to a violation.

Section 76 - Trade practices

AS 04.16.017 new section specifying illegal practices by manufacturers and directs the board to adopt regulations defining exceptions to these rules and administrative penalties for violations.

Section 77 - Solicitation of alcoholic beverages; purchase on behalf of another

AS 04.16.020 lowers penalty for unauthorized solicitation or purchase of alcoholic beverages from a misdemeanor to a violation.

Section 78 - Online sale and purchase of alcoholic beverages

AS 04.16.022 new section prohibiting online purchase and sale unless the licensee has a winery direct shipment license or package store shipping endorsement and sets penalties.

Section 79 - Illegal presence on premises involving alcoholic beverages

AS 04.16.025(a) adds statutory references to all penalties involving sale without a license.

Section 80 - Prohibited conduct relating to drunken persons

AS 04.16.030 lowers penalty for prohibited conduct relating to a drunken person, adds administrative penalty to licensee if employee is convicted of a violation of this section, and relocates misdemeanor penalty for licensee who knowingly allows employees to violate this section.

Sections 81-82 – Possession of ingredients for homebrew in certain areas

AS 04.16.035 changes statutory reference to all local option areas, consistent with AS 04.21.025 restricting private manufacture of alcohol in all local option areas.

AS 04.16.035 maintains current penalty for possession of ingredients for homebrew.

Sections 83-84 – Access of drunken persons to licensed premises

AS 04.16.040 rewords licensed premises language.

AS 04.16.040 relocates and **lowers penalty** for prohibited access by a drunken person.

Section 85 – Obligation to enforce restrictions in licensed premises

AS 04.16.045 relocates and **lowers penalty** for permitting consumption not authorized under a license.

Section 86 – Access of persons with restriction on purchasing alcohol

AS 04.16.047 adds reference to penalty for entering and remaining on licensed premises defined in AS 04.16.160.

Sections 87-90 – Access to persons under the age of 21 to licensed premises

AS 04.16.049(a) amends reference to restaurant endorsement and club license.

AS 04.16.049(c) adds additional license types allowed to have underage persons on premises as employees, ages 16 and 17, provided they are not serving alcohol.

AS 04.16.049(d) adds additional license types allowed to have underage persons on premises as employees, ages 18-20, provided they are not serving alcohol.

AS 04.16.049(j) adds additional license types allowed to have underage persons on premises if traveling, provided they are not served or consume alcohol.

Sections 91-92 – Furnishing or delivery of alcoholic beverages to persons under the age of 21

AS 04.16.051 reformats sections to match the rest of AS 04.16, no penalty change.

Section 93 – Furnishing of alcoholic beverages to person under the age of 21 by licensees

AS 04.16.052 **lowers penalty** for furnishing or delivering to a minor by a licensee or employee, adds **administrative penalty** to licensee if employee is convicted of a violation of this section and **shifts misdemeanor penalty in AS 04.16.150** to licensee who knowingly allows employees to violate this section.

Section 94 – Room rental for purposes of consuming alcoholic beverages

AS 04.16.055 maintains class A misdemeanor for renting a room for the purpose of providing alcoholic beverages to a person under 21 years of age.

Section 95 – Permitting minor to illegally possess liquor in a dwelling

AS 04.16.057(b) maintains current violation and adds \$500 fine.

Section 96 – Purchase by or delivery to persons under the age of 21

AS 04.16.060(e) relocates requirement for persons under the age of 16 to be accompanied by a person 21 years of age and have parental consent to remain in a restaurant that serves alcohol, now in proposed AS 04.09.450 in Section 9.

Section 97

AS 04.16.060 defines penalties for purchase by a person under 21 years of age and delivery to a person under 21 years of age. For persons under 21, adds similar penalty structure as those in AS 04.16.049 and AS 04.16.050, \$500 fine for violation with option to reduce fine to \$50 if youth completes treatment or community diversion panel.

Sections 98-99 – Sales or consumption at school events

AS 04.16.080 edits title for the section and specifies that the section applies to a person 21 years of age and older.

AS 04.16.080 specifies that this section applies to a person 21 years of age and older and lowers the penalty from a class A misdemeanor to a \$100 fine.

Sections 100-101 – Prohibition of bottle clubs

AS 04.16.090(c) makes list exclusive and adds cover charge and other services or products provided on the premises.

AS 04.16.090 defines the crime of maintaining a bottle club, relocates and maintains current penalty.

Section 102 – Sale of certain alcoholic beverages prohibited

AS 04.16.110 defines sale of a prohibited alcoholic beverage, relocates and maintains current penalty.

Section 103 – Removal or introduction of alcoholic beverages

AS 04.16.120 defines removal or introduction of alcoholic beverages, reduces penalty to a violation and defines exemptions.

Sections 104-106 – Alcoholic beverages transported by common carrier

AS 04.16.125(a) references board approval of a common carrier added in AS 04.09.750(b) and clarifies existing language.

AS 04.16.125(b) clarifies existing transport volumes by alcohol type.

AS 04.16.125(d)-(e) adds new subsections defining the crime of unauthorized transportation of alcoholic beverages by common carrier into a local option area and maintains current class A misdemeanor.

Section 107 – Stock confined to licensed premises

AS 04.16.130 lowers the penalty for unauthorized storage of alcoholic beverages from a **misdemeanor to a violation**.

Section 108 - Sale or consumption of alcoholic beverages in a warehouse

AS 04.16.140 lowers the penalty for consumption or sale of alcoholic beverages in a warehouse from a **misdemeanor to a violation**.

Section 109 – Licensee responsible for violations

AS 04.16.150 lowers the penalty for failure to ensure compliance from a **misdemeanor to a violation**.

Section 110 – Restriction on purchasing alcoholic beverages

AS 04.16.160 maintains current penalty for failure to comply with a restriction on purchasing alcoholic beverages.

Sections 111 - 112 – Source of alcoholic beverages

AS 04.16.170 exempts winery direct shipment license and maintains current penalty for sale of alcoholic beverages from or to an unlicensed person.

Sections 113 - 114 – Restrictions on purchase and sale of alcoholic beverages

AS 04.16.172 renumbers cross-references to license types and maintains current penalty for licensee obtaining alcoholic beverages from an unlicensed seller.

Section 115 – Furnishing alcoholic beverages in aid of gambling enterprise

AS 04.16.175 maintains current penalty for the crime of furnishing an alcoholic beverage in aid of a gambling enterprise.

Section 116-118 – Penalties for violation

AS 04.16.180(b) adds statutory references to prohibited conduct related to drunken persons and furnishing alcoholic beverages to persons under the age of 21 by licensees. Provides that a license shall be revoked after three convictions of specified penalties within five years i.e. serving minors.

AS 04.16.180(e) adds definition for “conviction”.

AS 04.16.180(f)-(g) adds clarification that licensees are subject to administrative penalties imposed by the board for violations of AS 04.16.030 (Section 80) and AS 04.16.052 (Section 93) and adds mitigating circumstances for licensees.

Section 119 - 122 – Forfeitures and seizures

AS 04.16.220(a) renumbers cross-references.

Chapter 21. General Provisions.

Pages 96-103

Section 123 – Keg registration

AS 04.21.012 adds new section establishing a keg registration process including proof of age, registration form requirements, identification tags, and establishes the penalty for possession and sale of alcoholic beverages in an unregistered keg.

Section 124 - 125 – Civil liability of persons providing alcoholic beverages

AS 04.21.020(a) renumbers cross-references.

Section 126-129 – Alcohol server education course

AS 04.21.025(a) repeal and reenact section to list license types that do not require server education training: only licenses not serving the public are exempt from requirement.

AS 04.21.025(b) adds reference to permit holders and individuals listed on an application as servers for a permitted event.

AS 04.21.025(c) adds reference to permit holders and requires servers listed on the permit application to have a current alcohol servers card by the first event day.

AS 04.21.025(f)-(h) provides exceptions to alcohol server education and defines the offense of failure to comply with alcohol server education requirements. Lowers the existing class A misdemeanor to a violation.

Section 130 – Proof of age and of not being restricted from purchasing alcoholic beverages

AS 04.21.050(a) renumbers cross-reference.

Section 131 – Warehousing of alcoholic beverages

AS 04.21.060 defines the offense of unauthorized warehousing and lowers penalty from a misdemeanor to a violation.

Section 132 – Posting of warning signs

AS 04.21.065(a) updates list of license types that require warning signs.

Section 133

AS 04.21.072. Fines and other criminal penalties. New section which provides that, unless otherwise stated, a violation of this title is a **\$250 fine**.

AS 04.21.074. Bail forfeiture schedule. Directs the supreme court to set a bail schedule for Title 4 violations.

AS 04.21.076. Suspension of fine or sentence. Prevents the court from suspending fines or sentences for minor offenses.

Section 134 – Court records of persons under 21 years of age

AS 04.21.078 adds additional statutory reference to violations of AS 04.16.060.

Sections 135-137 – Definitions

AS 04.21.080(b)(6) adds reference to permit holders and license holders.

AS 04.21.080(b)(15) adds endorsements.

AS 04.21.080(b)(21)-(30) adds definitions.

Amendments to Various Other Titles.

Pages 103-108

Section 138 – Definitions

AS 05.15.690(48) renumber beverage dispensary license reference and update "bar" definition.

Section 139 – 145

Amends references to Title 4 in Titles 9, 11, 12 and 18.

Section 146 - Unlawful practices in places of public accommodation

AS 18.80.230(b) amends reference to chapter 04.11.

Section 147 - Definitions

AS 39.50.200(b) adds the marijuana control board to list of state commissions or boards.

Section 148 - Winery direct shipment tax; statement; audit

AS 43.60.060 establishes tax collection on direct wine shipments from out of state businesses holding this license and outlines requirements for the Department of Revenue.

Section 149 - 150

AS 43.70.105(a) amends references to chapter 04.11 in Titles 43 and 45.

Repealers, Transitions, Applicability, Court Rule Amendment, and Effective Dates.

Pages 108-113

Section 151

Amends court rule 17 by adding statutory reference.

Section 152

Repealing section with effective date of January 1, 2020.

Section 153

Immediate repeal section.

Section 154

Repealing section with effective date of January 1, 2028.

Section 155

Repealing section with effective date of January 1, 2020.

Section 156 - Uncodified law

Applicability. States that changes apply to offenses committed on, or after the effective date.

Section 157 - Transition

Conversion of applications and licenses. Provides that the board shall convert all necessary licenses and applications within 90 days after the effective date of the section which is January 1, 2020.

Section 158 - Transition

Seasonal restaurant or eating place license. Converts applications for restaurant or eating place licenses to seasonal restaurant or eating place license application if the establishment serves beer and wine for a period not exceeding six months. This section has an immediate effective date.

Section 159 - Transition

Regulations. Directs the Department and the Board to adopt necessary regulations with an immediate effective date.

Section 160

Immediate effective date clause.

Section 161

January 1, 2020 effective date for the remainder of the act.