

SENATE CS FOR CS FOR HOUSE BILL NO. 189(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the sale of alcohol; and providing for an effective date."**

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

3 * **Section 1.** AS 04.09.210(c) is amended to read:

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

5 (1) board determines that

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

8 (B) there is supervision on the premises adequate to reasonably
9 ensure that a person under 21 years of age will not obtain alcoholic beverages,
10 **unless the person is employed as permitted in AS 04.16.049(d)**; and

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

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

1 the sole control of the licensee.

2 * **Sec. 2.** AS 04.09.210(d) is amended to read:

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

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

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

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

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

12 (3) subject to AS 04.16.049, to employ or permit the employment of a
13 person who is at least 16 years of age but under 21 years of age on the licensed
14 premises if the employer provides adequate supervision to ensure that **an employee**
15 **who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

16 * **Sec. 3.** AS 04.09.250(c) is amended to read:

17 (c) The holder of a theater license may sell or serve alcoholic beverages only
18 in designated areas on the licensed premises and only for **a period beginning two**
19 **hours** [ONE HOUR] before the event **until one hour after the event** [AND DURING
20 INTERMISSIONS].

21 * **Sec. 4.** AS 04.09.360(c) is amended to read:

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

23 (1) the board determines that

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

26 (B) there is supervision on the premises adequate to reasonably
27 ensure that a person under 21 years of age will not obtain alcoholic beverages,
28 **except as provided under AS 04.16.049(d)**; and

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

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

* **Sec. 5.** AS 04.09.360(f) is amended to read:

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

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

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

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

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

(3) subject to AS 04.16.049, to employ or permit the employment of a person who is at least 16 years of age but under 21 years of age on the licensed premises if the employer provides adequate supervision to ensure that **an employee who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

* **Sec. 6.** AS 04.09.450(d) is amended to read:

(d) The board may issue an endorsement under this section only if the board finds

(1) that the establishment or portion of the establishment for which the endorsement is requested is a bona fide restaurant;

(2) there is supervision on the premises adequate to reasonably ensure that a person under 21 years of age will not obtain alcoholic beverages, **except as provided under AS 04.16.049(d)**; and

(3) that it is unlikely that persons under 21 years of age not employed on the premises will enter and remain on the premises of the bona fide restaurant for purposes other than dining.

* **Sec. 7.** AS 04.09.450(e) is amended to read:

(e) The board may authorize the holder of a license with a restaurant

1 endorsement

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

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

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

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

10 (3) subject to AS 04.16.049, to employ or permit the employment of a
11 person who is at least 16 years of age but under 21 years of age on the premises of the
12 bona fide restaurant if the employer provides adequate supervision to ensure that **an**
13 **employee who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic
14 beverages.

15 * **Sec. 8.** AS 04.16.049(d) is amended to read:

16 (d) Notwithstanding any other provision in this section **and AS 04.16.050(a)**,
17 a person 18, 19, or 20 years of age may be employed within the licensed premises of a
18 **brewery manufacturer, winery manufacturer, distillery manufacturer,** hotel or
19 motel, large resort, golf course, general wholesaler, limited brewed beverage and wine
20 wholesaler, common carrier dispensary, outdoor recreation lodge, **brewery retailer,**
21 **winery retailer, distillery retailer,** or restaurant, may enter and remain within those
22 premises for the purpose of employment, **and, other than for a business that offers**
23 **adult entertainment,** [BUT] may [NOT], in the course of employment, sell, serve,
24 deliver, or dispense alcoholic beverages.

25 * **Sec. 9.** AS 04.16.049(h) is amended to read:

26 (h) Notwithstanding any other provision in this section, a person under 21
27 years of age may be present on the licensed premises of a

28 **(1)** common carrier dispensary, destination resort, or outdoor
29 recreation lodge for the purpose of travel, travel lodging, or outdoor recreation
30 activities provided by the licensee if the person is

31 **(A)** [(1)] at least 16 years of age; or

1 **(B) [(2)]** under 16 years of age and a parent or legal guardian of
2 the underaged person consents;

3 **(2) theater if the person is**

4 **(A) at least 16 years of age; or**

5 **(B) under 16 years of age, is accompanied by a person who**
6 **is at least 21 years of age, and a parent or legal guardian of the underaged**
7 **person consents;**

8 **(3) beverage dispensary or beverage dispensary tourism licensee**
9 **that has a large resort endorsement if the person is**

10 **(A) at least 16 years of age; or**

11 **(B) under 16 years of age and a parent or legal guardian of**
12 **the underaged person consents.**

13 * **Sec. 10.** AS 04.16.052(a) is amended to read:

14 (a) A licensee or an agent or employee of the licensee may not with criminal
15 negligence

16 (1) allow another person to sell, barter, or give an alcoholic beverage
17 to a person under the age of 21 years within licensed premises, **except as provided in**
18 **AS 04.16.049(d);**

19 (2) allow a person under the age of 21 years to enter and remain within
20 licensed premises except as provided in AS 04.16.049;

21 (3) allow a person under the age of 21 years to consume an alcoholic
22 beverage within licensed premises;

23 (4) allow a person under the age of 21 years to sell or serve alcoholic
24 beverages, **except as provided in AS 04.16.049(d);**

25 (5) while working on licensed premises, furnish or deliver alcoholic
26 beverages to a person under the age of 21 years, **except as provided in**
27 **AS 04.16.049(d).**

28 * **Sec. 11.** AS 04.21.080(b) is amended by adding a new paragraph to read:

29 (31) "business that offers adult entertainment" has the meaning given
30 in AS 23.10.350(f).

31 * **Sec. 12.** AS 04.09.250(d) is repealed.

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* **Sec. 13.** This Act takes effect immediately under AS 01.10.070(c).