



LAWS OF ALASKA

1983

Source

SCS CSHB 17(Jud) am S

Chapter No.

109

AN ACT

Authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; and amending other provisions of law relating to the drinking age.

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

THE ACT FOLLOWS ON PAGE 1, LINE 12

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 28, 1983
Actual Effective Date: October 26, 1983

AN ACT

Authorizing an advisory vote on the drinking age; raising the drinking age to 21; allowing employment of certain minors in licensed premises; and amending other provisions of law relating to the drinking age.

* Section 1. AS 04.11.090(f) is amended to read:

(f) The area designated as the licensed premises under a beverage dispensary license issued to a bowling alley may include the concourse or lane areas of the bowling alley. Notwithstanding AS 04.-16.049, the board may, upon application, authorize access by persons under 21 [19] years of age to the concourse or lane areas designated part of the bowling alley's licensed premises during hours when no alcoholic beverages are being sold, served, or consumed.

* Sec. 2. AS 04.11.110(g) is amended to read:

(g) Notwithstanding AS 04.16.049, the board may authorize access by persons under 21 [19] years of age to a club's licensed premises during hours when no alcoholic beverages are sold, served, or consumed.

* Sec. 3. AS 04.11.460(c) is amended to read:

(c) For the purposes of this section, "permanent resident" means a person 21 [19] years of age or older who has established a permanent place of abode.

* Sec. 4. AS 04.16.049(a) is repealed and reenacted to read:

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1 (a) A person under the age of 21 years may not knowingly enter
2 or remain in premises licensed under this title unless

3 (1) accompanied by a parent, guardian or spouse who has
4 attained the age of 21 years;

5 (2) the person is at least 16 years of age, the premises
6 are designated by the board as a restaurant for the purposes of this
7 section, and the person enters and remains only for dining; or

8 (3) the person is under the age of 16 years, is accompanied
9 by a person over the age of 21 years, the parent or guardian of the
10 underaged person consents, the premises are designated by the board as
11 a restaurant for the purposes of this section, and the person enters
12 and remains only for dining.

13 * Sec. 5. AS 04.16.049(b) is amended to read:

14 (b) Notwithstanding (a) of this section, a licensee or an [,
15 HIS] agent [,] or employee of the licensee may refuse entry to a
16 person under the age of 21 [19] years to that part of licensed prem-
17 ises in which alcoholic beverages are sold, served, or consumed, may
18 refuse service to a person under the age of 21 [19] years, or may
19 require a person under the age of 21 [19] years to leave the portio
20 of the licensed premises in which alcoholic beverages are sold, serv
21 ed, or consumed.

22 * Sec. 6. AS 04.16.049(c) is amended to read:

23 (c) Notwithstanding any other provision in this section,
24 person between 16 and 19 years of age may enter and remain within th
25 licensed premises of a hotel, restaurant, or eating place in th
26 course of [HIS] employment if (1) the employment does not involve t
27 serving, mixing, delivering, or dispensing of alcoholic beverages; (2
28 the person has the written consent of a parent or guardian; and (3)
29 an exemption from the prohibition of AS 23.10.355 is granted by t

Department of Labor. The board, with the approval of the governing body having jurisdiction and at the licensee's request, shall designate which premises are hotels, restaurants, or eating places for the purposes of this subsection.

- * Sec. 7. AS 04.16.049 is amended by adding a new subsection to read:

(d) Notwithstanding any other provision in this section, a person 19 or 20 years of age may be employed within the licensed premises of a hotel, restaurant or eating place, may enter and remain within those premises for the purpose of employment, but may not in the course of employment, sell, serve, deliver or dispense alcoholic beverages.

- * Sec. 8. AS 04.16.050 is amended to read:

Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE AGE OF 21 [19]. A person under the age of 21 [19] years may not knowingly consume, possess, or control alcoholic beverages except those furnished persons under AS 04.16.051(b).

- * Sec. 9. AS 04.16.051(a) is amended to read:

Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 21 [19]. (a) A person may not furnish an alcoholic beverage to a person under the age of 21 [19] years.

- * Sec. 10. AS 04.16.052 is amended to read:

Sec. 04.16.052. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER THE AGE OF 21 [19] BY LICENSEES. A licensee or an [, HIS] agent [,] or employee of the licensee may not with criminal negligence

(1) allow another person to sell, barter, or give an alcoholic beverage to a person under the age of 21 [19] years within licensed premises;

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

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AS 04.16.049;

(3) allow a person under the age of 21 [19] years to consume an alcoholic beverage within licensed premises;

(4) allow a person under the age of 21 [19] years to sell or serve alcoholic beverages.

* Sec. 11. AS 04.16.060 is amended to read:

Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 21 [19].

(a) A person under the age of 21 [19] years may not purchase alcoholic beverages or solicit another to purchase alcoholic beverages for the person under the age of 21 [ON HIS BEHALF].

(b) A person may not influence the sale, gift, or service of an alcoholic beverage to a person under the age of 21 [19] years, by misrepresenting the age of that person.

(c) A person may not order or receive an alcoholic beverage from a licensee, an [HIS] agent or [,] employee of the licensee, or another person, for the purpose of selling, giving, or serving it to a person under the age of 21 [19] years.

(d) A person under the age of 21 [19] years may not enter licensed premises where alcoholic beverages are sold and offer or present to a licensee or an [, HIS] agent [,] or employee of the licensee a birth certificate or other written evidence of age, that [WHICH] is fraudulent or false or that [WHICH] is not actually the person's [HIS] own, or otherwise misrepresent the person's [HIS] age, for the purpose of inducing the licensee or an [, HIS] agent [,] or employee of the licensee to sell, give, serve, or furnish alcoholic beverages contrary to law.

(e) A person [WHO HAS ATTAINED THE AGE OF 19 YEARS ACCOMPANYING] A PERSON] under the age of 21 [19] who is seeking to enter and remain in a licensed premises under AS 04.16.049(a)(2) or (3) may not

misrepresent the person's age or having obtained the consent of the parent or guardian required by that section [OF THE PERSON UNDER THE AGE OF 19 YEARS].

* Sec. 12. AS 04.16.200(b)(2) is amended to read:

(2) the sale or offer for sale was made to a person under 21 [19] years of age; or

* Sec. 13. AS 04.16.200(c) is amended to read:

(c) It is an affirmative defense to a prosecution under (a) of this section that no profit was involved in the solicitation or receipt of an order for the delivery of an alcoholic beverage. However, the affirmative defense created under this subsection is not available in a prosecution of a person charged with selling or offering for sale alcoholic beverages to a person under 21 [19] years of age.

* Sec. 14. AS 04.21.020(1) is amended to read:

(1) the alcoholic beverages are provided to a person under the age of 21 [19] years in violation of AS 04.16.051, unless the licensee, agent, or employee secures in good faith from the person a signed statement, liquor identification card, or driver's license meeting the requirements of AS 04.21.050(a) and 04.21.050(b), that [WHICH] indicates that the person is 21 [19] years of age or older; or

* Sec. 15. AS 04.21.050(a) is amended to read:

(a) If a licensee [,] or an agent or employee of the licensee questions or has reason to question whether a person entering [A] licensed premises, or ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure alcoholic beverages, has attained the age of 21 [19] years or is entering without consent in violation of AS 04.16.049(a)(3) and has not attained the age of 16 years, that licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section or proof of

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1 consent in a form determined by the board. If the person questioned
2 does not furnish proof of age acceptable under (b) of this section, or
3 if a licensee, agent, or employee questions or has reason to question
4 the validity of the proof of age furnished, the licensee, employee, or
5 agent shall require the person to sign a statement that the person
6 [HE] is over the age of 21 or 16 [19] years as appropriate. This
7 statement shall be made on a form prepared by and furnished to the
8 licensee by the board.

9 * Sec. 16. AS 04.21.050(c) is amended to read:

10 (c) A licensee, or an agent or employee of the licensee, may not
11 be charged for a violation of AS 04.16.051 - 04.16.052 if a signed
12 statement as provided in (a) of this section is secured in good faith,
13 or a valid driver's license or identification card is presented indi-
14 cating that the owner and possessor of the presented driver's license
15 or identification card is 21 or 16 [19] years of age or over as appro-
16 priate.

17 * Sec. 17. AS 23.10.355 is amended to read:

18 Sec. 23.10.355. PERSONS UNDER 21 [19]. No person under 21 [19]
19 may be employed or allowed to sell or serve alcoholic beverages or t
20 work [IN ANY ROOM OR OTHER PLACE WHERE ALCOHOLIC BEVERAGES ARE SOL
21 FOR CONSUMPTION] on a licensed [THE] premises, except as provided i
22 AS 04.16.049 [AS 04.16.049(c)].

23 * Sec. 18. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1
24 1984. Notwithstanding any other provision of this chapter regarding a
25 limitations, any person born on or before December 31, 1964 may be prese
26 upon licensed premises and may possess, consume, receive or purcha
27 alcoholic beverages if otherwise allowed under this title, and a person m
28 serve, deliver, dispense, furnish or sell alcoholic beverages to a pers
29 born on or before December 31, 1964 if otherwise allowed under this title

* Sec. 19. If the legislature by concurrent resolution determines the need for an advisory vote, the lieutenant governor shall place before the qualified voters of the state at the next statewide election a question advisory to the legislature as to whether the legislature should maintain the age of majority at 21 years of age or enact laws that would lower the age of majority to 19 years of age for the purpose of regulation of the sale, consumption, possession, furnishing, barter, purchase, gift and delivery of alcoholic beverages. The question shall appear on the ballot in the following form:

Q U E S T I O N

Shall the drinking age be at age 19 or age 21?

Leave at age 21 []

Lower to age 19 []