

**SENATE CS FOR CS FOR HOUSE BILL NO. 330(RLS)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/13/02

Referred: First Supplemental Calendar

Sponsor(s): HOUSE JUDICIARY COMMITTEE BY REQUEST

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to brewpub licenses and to providing alcoholic beverages to a person**  
2 **under 21 years of age."**

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

4 **\* Section 1.** AS 04.11.135(a) is amended to read:

5 (a) A brewpub license authorizes the holder of a beverage dispensary license  
6 to

7 (1) manufacture on premises licensed under the beverage dispensary  
8 license not more than 150,000 [75,000] gallons of beer in a calendar year;

9 (2) sell beer manufactured on premises licensed under the beverage  
10 dispensary license for consumption on the licensed premises or other licensed  
11 premises of the beverage dispensary licensee that are also licensed as a beverage  
12 dispensary;

13 (3) sell beer manufactured on the premises licensed under the beverage  
14 dispensary license in quantities of not more than five gallons per day to an individual

1 who is present on the licensed premises;

2 (4) provide a small sample of the brewpub's beer manufactured on the  
3 premises free of charge unless prohibited by AS 04.16.030; and

4 (5) sell **not more than 15,000 gallons of** beer manufactured on the  
5 premises licensed under the beverage dispensary license to a person licensed as a  
6 wholesaler under AS 04.11.160.

7 \* **Sec. 2.** AS 04.11.135(d) is amended to read:

8 (d) Notwithstanding (a) of this section, the holder of a brewpub license who  
9 under the provisions of AS 04.11.450(b) formerly held a brewery license and a  
10 restaurant or eating place license and who, under the former brewery license,  
11 manufactured beer at a location other than the premises licensed under the former  
12 restaurant or eating place license may

13 (1) manufacture not more than **150,000** [75,000] gallons of beer in a  
14 calendar year on premises other than the premises licensed under the beverage  
15 dispensary license;

16 (2) provide a small sample of the manufactured beer free of charge at  
17 the location the beer is manufactured unless prohibited by AS 04.16.030; and

18 (3) sell the beer authorized to be manufactured under this subsection

19 (A) on the premises licensed under the beverage dispensary  
20 license or other licensed premises of the beverage dispensary licensee that are  
21 also licensed as a beverage dispensary;

22 (B) to a wholesaler licensed under AS 04.11.160; **sales under**  
23 **this subparagraph may not exceed 15,000 gallons;** or

24 (C) to an individual who is present on the premises where the  
25 beer is manufactured in quantities of not more than five gallons per day.

26 \* **Sec. 3.** AS 04.11.135 is amended by adding a new subsection to read:

27 (e) Notwithstanding (a) of this section, a brewpub license authorizes the  
28 holder of a restaurant or eating place license to (1) manufacture on premises licensed  
29 under the restaurant or eating place license not more than 150,000 gallons of beer in a  
30 calendar year; (2) sell beer manufactured on premises licensed under the restaurant or  
31 eating place license for consumption on the licensed premises; (3) sell beer

1 manufactured on the premises licensed under the restaurant or eating place license in  
 2 quantities of not more than five gallons per day to an individual who is present on the  
 3 licensed premises; and (4) provide a small sample of the brewpub's beer manufactured  
 4 on the premises free of charge unless prohibited by AS 04.16.030. A person who  
 5 holds a brewpub license under this subsection may not hold more than one brewpub  
 6 license.

7 \* **Sec. 4.** 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  
 11 been previously convicted under

12 **(A)** [(1)] this section; or

13 **(B)** [(2)] 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**  
 16 **causes serious physical injury to or the death of another person while under the**  
 17 **influence of the alcoholic beverage received in violation of this section; in this**  
 18 **paragraph,**

19 **(A) "negligently" means acting with civil negligence; and**

20 **(B) "serious physical injury" has the meaning given in**

21 **AS 11.81.900.**