

**CS FOR HOUSE BILL NO. 240(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/18/06

Referred: Judiciary

Sponsor(s): HOUSE JUDICIARY COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to brewery and brewpub licensing."**

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

3 \* **Section 1.** AS 04.11.130(b) is amended to read:

4 (b) The holder of a brewery license may sell beer in quantities of

5 (1) **not more** [LESS] than five gallons **a day** to an individual who is  
6 present on the licensed premises **for consumption off the premises**;

7 (2) more than five gallons **a day** to a person who is licensed under this  
8 title, or in another state or country.

9 \* **Sec. 2.** AS 04.11.130 is amended by adding a new subsection to read:

10 (e) Unless prohibited by AS 04.16.030, a holder of a brewery license may sell  
11 not more than 36 ounces a day of the brewery's product to a person for consumption  
12 on the premises if

13 (1) the brewery does not allow live entertainment, televisions, pool  
14 tables, or dart games in the room where the consumption occurs;

15 (2) the brewery does not provide seats at the counter or bar where the

1 product is served; and

2 (3) the room where the consumption occurs is not open before 9:00  
3 a.m. **and serving of the product ends not later than 8:00 p.m.** [OR AFTER 11:00  
4 p.m.]

5 \* **Sec. 3.** AS 04.11.135(a) is amended to read:

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

8 (1) manufacture on premises licensed under the beverage dispensary  
9 license not more than **465,000** [150,000] gallons of beer in a calendar year;

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

14 (3) sell beer manufactured on the premises licensed under the beverage  
15 dispensary license in quantities of not more than five gallons **a** [PER] day to an  
16 individual who is present on the licensed premises **for consumption off the premises;**

17 (4) provide a small sample of the brewpub's beer manufactured on the  
18 premises free of charge unless prohibited by AS 04.16.030; [AND]

19 (5) sell beer manufactured on the premises licensed under the beverage  
20 dispensary license to a person licensed as a wholesaler under AS 04.11.160; sales  
21 under this paragraph may not exceed **37,200 gallons in a calendar year, including**  
22 **sales under (6) of this subsection; and**

23 **(6) sell not more than 6,200 gallons in a calendar year of beer**  
24 **manufactured on the premises to a person who is licensed under this title, or in**  
25 **another state or country, if the premises licensed under the beverage dispensary**  
26 **license are located in a community with a population of 75,000 or more** [15,000  
27 GALLONS OR THE AMOUNT SOLD UNDER THIS PARAGRAPH IN  
28 CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS  
29 GREATER].

30 \* **Sec. 4.** AS 04.11.135(d) is amended to read:

31 (d) Notwithstanding (a) of this section, the holder of a brewpub license who,

1 under the provisions of AS 04.11.450(b), formerly held a brewery license and a  
 2 restaurant or eating place license and who, under the former brewery license,  
 3 manufactured beer at a location other than the premises licensed under the former  
 4 restaurant or eating place license may

5 (1) manufacture not more than 465,000 [150,000] gallons of beer in a  
 6 calendar year on premises other than the premises licensed under the beverage  
 7 dispensary license;

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

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

11 (A) on the premises licensed under the beverage dispensary  
 12 license or other licensed premises of the beverage dispensary licensee that are  
 13 also licensed as a beverage dispensary;

14 (B) to a wholesaler licensed under AS 04.11.160; sales under  
 15 this subparagraph may not exceed 37,200 gallons in a calendar year,  
 16 including sales under (D) of this paragraph; [15,000 GALLONS OR THE  
 17 AMOUNT SOLD UNDER THIS SUBPARAGRAPH IN CALENDAR YEAR  
 18 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER; OR]

19 (C) to an individual who is present on the premises described  
 20 under (A) of this paragraph, or where the beer is manufactured, in quantities of  
 21 not more than five gallons a [PER] day for consumption off the premises;  
 22 and

23 (D) to a person licensed under this title, or in another state  
 24 or country, if the premises where the beer is manufactured are located in  
 25 a community with a population of 75,000 or more; sales under this  
 26 subparagraph may not exceed 6,200 gallons in a calendar year.

27 \* **Sec. 5.** AS 04.11.135(e) is amended to read:

28 (e) Notwithstanding (a) of this section, a brewpub license authorizes the  
 29 holder of a restaurant or eating place license to (1) manufacture on premises licensed  
 30 under the restaurant or eating place license not more than 465,000 [150,000] gallons of  
 31 beer in a calendar year; (2) sell beer manufactured on premises licensed under the

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