

**CS FOR HOUSE BILL NO. 240(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 4/21/06**

**Referred: Rules**

**Sponsor(s): HOUSE JUDICIARY COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to brewery and brewpub licensing and to free samples of beer and**  
2 **wine provided by beverage dispensary licensees, wholesale licensees, and wholesale malt**  
3 **beverage and wine licensees."**

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

5 **\* Section 1.** AS 04.11.090 is amended by adding a new subsection to read:

6 (h) Unless prohibited by AS 04.16.030, a holder of a beverage dispensary  
7 license may provide a small sample of beer or wine free of charge to a customer on the  
8 licensed premises.

9 **\* Sec. 2.** AS 04.11.130(b) is amended to read:

10 (b) The holder of a brewery license may sell beer in quantities of  
11 (1) **not more** [LESS] than five gallons **a day** to an individual who is  
12 present on the licensed premises **for consumption off the premises**;  
13 (2) more than five gallons **a day** to a person who is licensed under this  
14 title, or in another state or country.

1 \* **Sec. 3.** AS 04.11.130 is amended by adding a new subsection to read:

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

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

7 (2) the brewery does not provide seats at the counter or bar where the  
8 product is served; and

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

12 \* **Sec. 4.** AS 04.11.135(a) is amended to read:

13 (a) A brewpub license authorizes the holder of a beverage dispensary license  
14 to

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

17 (2) sell beer manufactured on premises licensed under the beverage  
18 dispensary license for consumption on the licensed premises or other licensed  
19 premises of the beverage dispensary licensee that are also licensed as a beverage  
20 dispensary;

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

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

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

30 **(6) sell not more than 6,200 gallons in a calendar year of beer**  
31 **manufactured on the premises to a person who is licensed under this title, or in**

1 **another state or country, if the premises licensed under the beverage dispensary**  
 2 **license are located in a community with a population of 75,000 or more** [15,000  
 3 GALLONS OR THE AMOUNT SOLD UNDER THIS PARAGRAPH IN  
 4 CALENDAR YEAR 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS  
 5 GREATER].

6 \* **Sec. 5.** AS 04.11.135(d) is amended to read:

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

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

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

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

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

21 (B) to a wholesaler licensed under AS 04.11.160; sales under  
 22 this subparagraph may not exceed **37,200 gallons in a calendar year,**  
 23 **including sales under (D) of this paragraph;** [15,000 GALLONS OR THE  
 24 AMOUNT SOLD UNDER THIS SUBPARAGRAPH IN CALENDAR YEAR  
 25 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER; OR]

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

30 **(D) to a person licensed under this title, or in another state**  
 31 **or country, if the premises where the beer is manufactured are located in**

1           **a community with a population of 75,000 or more; sales under this**  
2           **subparagraph may not exceed 6,200 gallons in a calendar year.**

3       \* **Sec. 6.** AS 04.11.135(e) is amended to read:

4           (e) Notwithstanding (a) of this section, a brewpub license authorizes the  
5           holder of a restaurant or eating place license to (1) manufacture on premises licensed  
6           under the restaurant or eating place license not more than **465,000** [150,000] gallons of  
7           beer in a calendar year; (2) sell beer manufactured on premises licensed under the  
8           restaurant or eating place license for consumption on the licensed premises; (3) sell  
9           beer manufactured on the premises licensed under the restaurant or eating place  
10          license in quantities of not more than five gallons **a** [PER] day **for consumption off**  
11          **the premises** to an individual who is present on the licensed premises; and (4) provide  
12          a small sample of the brewpub's beer manufactured on the premises free of charge  
13          unless prohibited by AS 04.16.030. A person who holds a brewpub license under this  
14          subsection may not hold more than one brewpub license.

15       \* **Sec. 7.** AS 04.11.160 is amended by adding a new subsection to read:

16           (h) Unless prohibited by AS 04.16.030, a holder of a wholesale license or a  
17           wholesale malt beverage and wine license may provide a small sample of beer or wine  
18           free of charge to a customer on the licensed premises of a beverage dispensary  
19           licensee.