

**CS FOR HOUSE BILL NO. 240(RLS) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE RULES COMMITTEE**

**Amended: 5/3/06**

**Offered: 5/1/06**

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

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to brewery and brewpub licensing and relating to sales of wine by a**  
2 **winery licensee."**

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

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

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

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

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

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

11 (e) Unless prohibited by AS 04.16.030, a holder of a brewery license may sell  
12 not more than 24 ounces a day of the brewery's product to a person for consumption  
13 on the premises if

14 (1) the brewery does not allow live entertainment, televisions, pool

1 tables, dart games, dancing, electronic or other games, game tables, or other  
2 recreational or gaming opportunities on the premises where the consumption occurs;

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

5 (3) the room where the consumption occurs is not open before 9:00  
6 a.m. and serving of the product ends not later than 8:00 p.m.

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

8 (a) A brewpub license authorizes the holder of a beverage dispensary license  
9 to

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

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

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

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

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

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

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

2 (d) Notwithstanding (a) of this section, the holder of a brewpub license who,  
3 under the provisions of AS 04.11.450(b), formerly held a brewery license and a  
4 restaurant or eating place license and who, under the former brewery license,  
5 manufactured beer at a location other than the premises licensed under the former  
6 restaurant or eating place license may

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

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

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

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

16 (B) to a wholesaler licensed under AS 04.11.160; sales under  
17 this subparagraph may not exceed **37,200 gallons in a calendar year,**  
18 **including sales under (D) of this paragraph;** [15,000 GALLONS OR THE  
19 AMOUNT SOLD UNDER THIS SUBPARAGRAPH IN CALENDAR YEAR  
20 2001, PLUS 10 PERCENT, WHICHEVER AMOUNT IS GREATER; OR]

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

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

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

30 (e) Notwithstanding (a) of this section, a brewpub license authorizes the  
31 holder of a restaurant or eating place license to (1) manufacture on premises licensed

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

10 \* **Sec. 6.** AS 04.11.140(b) is amended to read:

11 (b) The holder of a winery license may sell wine in quantities of

12 (1) less than five gallons

13 **(A) to an individual who is present on the licensed premises; or**

14 **(B) by shipping to an individual if the shipment is not to an**

15 **area that has prohibited the importation or possession of alcoholic**

16 **beverages under this chapter or to an area that has limited the**

17 **importation or possession of alcoholic beverages unless the sale complies**

18 **with the limitation;**

19 (2) more than five gallons to a person who is licensed under this title,

20 or in another state or country.