

SENATE CS FOR CS FOR HOUSE BILL NO. 240(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/6/06

Referred: Today's Calendar

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 36 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) **not more** [LESS] than five gallons to an individual who is present
13 on the licensed premises;

14 (2) more than five gallons to a person who is licensed under this title,
15 or in another state or country.