

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

January 31, 2007

3:10 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Mark Neuman, Vice Chair
Representative Carl Gatto
Representative Gabrielle LeDoux
Representative Jay Ramras
Representative Robert L. "Bob" Buch
Representative Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 51

"An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises."

- MOVED HB 51 OUT OF COMMITTEE

HOUSE BILL NO. 65

"An Act relating to breaches of security involving personal information, credit report and credit score security freezes, consumer credit monitoring, credit accuracy, protection of social security numbers, care of records, disposal of records, identity theft, furnishing consumer credit header information, credit cards, and debit cards, and to the jurisdiction of the office of administrative hearings; amending Rule 60, Alaska Rules of Civil Procedure; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 51

SHORT TITLE: RECORKING WINE SERVED WITH A MEAL

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

01/16/07 (H) PREFILE RELEASED 1/5/07

01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) L&C, FIN
01/31/07 (H) L&C AT 3:00 PM CAPITOL 17

WITNESS REGISTER

EMILY STANCLIFF, Staff
to Representative Jay Ramras
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 51 on behalf of Representative Ramras, sponsor.

DOUGLAS "DOUG" GRIFFIN, Director
Alcoholic Beverage Control Board ("ABC Board")
Department of Public Safety (DOP)
Anchorage, Alaska

POSITION STATEMENT: Answered questions and offered comments during the hearing on HB 51.

ACTION NARRATIVE

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at [3:10:11 PM](#). Representatives Gatto, LeDoux, Ramras, Buch, Gardner, Neuman, and Olson were present at the call to order.

HB 51-RECORKING WINE SERVED WITH A MEAL

Chair Olson announced that the only order of business would be HOUSE BILL NO. 51, "An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises."

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EMILY STANCLIFF, Staff to Representative Jay Ramras, Alaska State Legislature, sponsor, explained that the intent of HB 51 is to lower the blood alcohol content (BAC) of individuals who wish to have wine with a meal. After one drink, an individual has a blood alcohol level of .02, after three drinks .06, and after four drinks, is considered legally intoxicated. HB 51, she said, eliminates the need to consume an entire bottle of wine or surrender the value of the bottle. Presently, if a bottle of wine is ordered with a meal, the entire content is consumed or a partial bottle is left at the restaurant. This

bill would allow the customer to request that the bottle be resealed, in order to transport the bottle home.

MS. STANCLIFF explained that recorking would involve replacing the original cork with a new cork, in such a way as to require a corkscrew to reopen the bottle. The method of resealing would be determined by the Alcoholic Beverage Control Board ("ABC Board"). Methods may include: placing a seal over the top of the bottle or placing the bottle in a sleeve and stapling the top of the sleeve closed. The bottle must remain sealed during transport. This would not be considered an "open container" if sealed in the appropriate fashion.

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REPRESENTATIVE RAMRAS added that the aforementioned BAC levels were used as an example to show how the amount of alcohol consumed affects the BAC level. He stated that communities are safer if less wine is consumed. In regard to finishing a bottle of wine with dinner, he said "there's a human notion that we all have about not wanting to surrender value." He pointed out that a person may take the remainder of his or her dinner home, however, the current "open container" law does not allow for wine to be removed from the premises. This encourages the consumer to finish the bottle, in order to not surrender the value. He said "Primarily, this piece of legislation should be viewed as something that makes our communities safer, without involving government.... Just by applying a little common sense, and letting people carry the remaining value with them, to enjoy in their homes."

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REPRESENTATIVE GARDNER pointed out that previous concerns have included the method used to reseal the container. The sponsor statement reads that a corkscrew would be required to reopen the bottle; however, the bill states that the bottle may also be "sealed or packaged by the licensee in a manner set by the board." She asked if there would be any benefit to specifying that "the manner set by the board" must not violate the current open container laws.

REPRESENTATIVE RAMRAS replied that the previous year, it was determined that "it would be best" to allow the ABC Board to determine how the bottles should be sealed. In addition, a "corking device" can be purchased which would require a corkscrew to be used in order to reopen the bottle. He pointed

out that many high quality wines are changing to screw top bottles, and the intention was to allow the ABC Board to incorporate any changes in the industry.

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MS. STANCLIFF, in response to a question from Representative Gardner, explained that restaurants would not be required to offer this service.

REPRESENTATIVE RAMRAS added that restaurants currently have the ability to charge a "corkage fee," which allows an individual to bring a bottle of wine from home to drink with his or her meal. The restaurant then opens the bottle for a fee. However, this is an option and is not required service. He opined that "it would be at the discretion of each restaurant, whether they wanted to participate in a recorking program."

REPRESENTATIVE GARDNER asked if ultimately, it would be up to the restaurant to ensure that the bottle is sealed before being taken from the premises.

CHAIR OLSON stated that if the bottle was not sealed, the restaurant would be in violation of the law.

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REPRESENTATIVE NEUMAN offered his understanding that if the bottle was not sealed properly, the bottle must be left at the restaurant. In regard to "a manner set by the board," he offered his interpretation that the recorking requirement would be a minimum, and the board may set a higher requirement.

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REPRESENTATIVE GATTO asked whether there are other alcoholic beverages served with a meal that a person may wish to remove from the premises, and whether these would be covered.

REPRESENTATIVE RAMRAS replied no.

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REPRESENTATIVE BUCH pointed out that microbreweries refill "growlers" of beer, which are then resealed. He offered his understanding that there is no [statutory] requirement for this.

REPRESENTATIVE GATTO inquired as to whether an underage drinker would be able to reseal an open container in such a way as to mimic the aforementioned requirements.

CHAIR OLSON commented that he owns a recorking machine, which inserts the cork one-quarter inch below the rim of the bottle. He opined that it would be "virtually impossible" to remove the cork without the use of a corkscrew.

REPRESENTATIVE RAMRAS stated that this is no more hazardous than an adult purchasing alcohol for a minor in a package store. The same minor consuming hazard exists. In response to a previous comment, he pointed out that wine is expensive, and reiterated that the intention of HB 51 is to enable individuals to take the remainder of wine home.

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REPRESENTATIVE NEUMAN commented that the ABC Board has stated that HB 51 is limited to wine. Additionally, the ABC Board has stated that the benefits out-weigh the potential problems. He said "I commend Representative Ramras for this."

REPRESENTATIVE RAMRAS noted that the aforementioned opinion is that of the Director of the ABC Board, and not of the board itself.

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DOUGLAS "DOUG" GRIFFIN, Director, Alcoholic Beverage Control Board ("ABC Board"), explained that the ABC Board has not met to formally take a position on this issue. However, he does not think the ABC Board will have a problem with the bill. He stated that the ABC Board is scheduled to meet in February, and will discuss legislation at that time. Over 30 states have implemented recorking laws, which the ABC Board can look to for examples of what has worked. The method of resealing may be as simple as taping tamper-proof tape onto a screw-top bottle or re-inserting the cork. It would be up to the licensee to have the equipment to reseal a bottle. The licensee would not be able to offer this service if these requirements were not met. He opined that being able to provide this service would make businesses more competitive. The general perception is that people may be more willing to purchase a more expensive bottle of wine if they are able to take it home. He said "I think it's a good bill, I think it does come down on the side of providing

a safer environment out on the roadways, and that's very important to us and to you, and the citizens of Alaska."

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REPRESENTATIVE BUCH said "I would like to commend Representative Ramras' intent on this. I think it gives the public the opportunity to ... enjoy certain ... opportunities in the public, and yet remain safe while driving home. I think this is a well-intended bill and I support it completely."

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REPRESENTATIVE NEUMAN moved to report HB 51 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 51 was reported from the House Labor and Commerce Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at [3:28:15 PM](#).