

**CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 76(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/6/18

Referred: Judiciary

Sponsor(s): SENATORS MICCICHE, von Imhof, Giessel, Kelly

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to alcoholic beverages; relating to the regulation of manufacturers,**  
2 **wholesalers, retailers, and common carriers of alcoholic beverages; relating to licenses,**  
3 **endorsements, and permits involving alcoholic beverages; relating to the Alcoholic**  
4 **Beverage Control Board; relating to offenses involving alcoholic beverages; amending**  
5 **Rule 17, Alaska Rules of Minor Offense Procedure; and providing for an effective date."**

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

7 \* **Section 1.** AS 04.06.075 is amended by adding a new subsection to read:

8 (b) The director shall prepare and submit to the board an annual budget for the  
9 board that includes funding for administration, enforcement, education, training, and  
10 prevention activities under this title.

11 \* **Sec. 2.** AS 04.06.080 is amended to read:

12 **Sec. 04.06.080. Delegation of authority.** The director shall issue, renew,  
13 transfer, suspend, or revoke all licenses, endorsements, and permits at the direction of

1 the board. However, notwithstanding AS 04.06.090(b) [AS 04.11.070], the board may  
 2 delegate authority to the director to temporarily grant or deny the issuance, renewal, or  
 3 transfer of licenses, endorsements, and permits. The director's temporary grant or  
 4 denial of the issuance, renewal, or transfer of a license, endorsement, or permit is not  
 5 binding on the board. The board may delegate to the director any duty imposed by this  
 6 title except its power to propose and adopt regulations.

7 \* **Sec. 3.** AS 04.06.090(b) is amended to read:

8 (b) Only the board may issue, renew, transfer, relocate, suspend, or  
 9 revoke a license or endorsement under this title. The board shall review all  
 10 applications for licenses and endorsements made under this title and may order the  
 11 director to issue, renew, revoke, transfer, or suspend licenses, endorsements, and  
 12 permits authorized under this title.

13 \* **Sec. 4.** AS 04.06.090(e) is amended to read:

14 (e) The board shall promptly notify all licensees and municipalities of major  
 15 changes to this title and to regulations adopted under this title. However, if changes  
 16 only affect specific classifications of licenses, endorsements, and permits, the board  
 17 need only notify those licensees and municipalities directly affected by the changes.  
 18 Current copies of this title and current copies of the regulations adopted under it shall  
 19 be made available at all offices in the state of the Department of Commerce,  
 20 Community, and Economic Development and the detachment headquarters and posts  
 21 maintained by the division of Alaska state troopers in the Department of Public Safety.

22 \* **Sec. 5.** AS 04.06.090 is amended by adding new subsections to read:

23 (f) The board shall develop a comprehensive plan to educate public safety  
 24 professionals, the alcoholic beverage industry, individuals under 21 years of age, local  
 25 governments, established villages, and the general public on the responsible use of  
 26 alcoholic beverages and on relevant state statutes, regulations, and policies. The board  
 27 shall update and revise the plan annually.

28 (g) The board shall review the fees specified in this title and regulations  
 29 adopted under this title at least every 10 years.

30 (h) The board may, within 30 days after the introduction of a bill amending a  
 31 provision of this title or adding a new provision to this title, prepare an advisory

1 opinion regarding the changes proposed in the bill.

2 (i) The board shall, within 30 business days after receiving notice of a  
3 conviction or violation under this title, provide a copy of the conviction or violation to  
4 the holder of a license if an offense or violation occurred on the holder's licensed  
5 premises and the holder is not the subject of the conviction or violation.

6 (j) The board shall post information on the board's Internet website about fetal  
7 alcohol syndrome and fetal alcohol effects resulting from a woman consuming alcohol  
8 during pregnancy.

9 \* **Sec. 6.** AS 04.06.095 is amended to read:

10 **Sec. 04.06.095. Statewide database.** **(a)** The board, after consulting with  
11 package store licensees, shall create and maintain a statewide database that contains a  
12 monthly record of the alcohol purchased by, and shipped to, a person who resides in a  
13 municipality or established village that has restricted the sale of alcoholic beverages  
14 under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2).

15 **(b)** Except as otherwise specifically provided in this section, the information  
16 contained in the database is confidential and is not subject to inspection or copying  
17 under AS 40.25.110 - 40.25.220. **Personally identifiable information, including**  
18 **business names and addresses,** [INFORMATION] in the database shall be purged  
19 one year after entry unless it is needed for criminal investigation or prosecution. **All**  
20 **other information in the database shall be retained in aggregate form and purged**  
21 **10 years after entry.** Information in the database is available only to

22 (1) a package store licensee, agent, or employee to consult before  
23 shipping alcohol to a purchaser in a restricted area **under a package store shipping**  
24 **endorsement** as provided in **AS 04.09.460** [AS 04.11.150(g)];

25 (2) a law enforcement officer;

26 (3) a probation or parole officer;

27 (4) the board; and

28 (5) the person who is the subject of the information; the board shall  
29 adopt regulations concerning access by a person to information contained in the  
30 database of the purchases by, and shipments to, that person.

31 \* **Sec. 7.** AS 04.06.095 is amended by adding a new subsection to read:

1 (c) The board shall produce an annual report of the aggregate regional and  
 2 statewide data from the database, excluding personally identifiable information and  
 3 the names and addresses of businesses, and shall make the report available for public  
 4 inspection and copying under AS 40.25.110 - 40.25.220. The report must include  
 5 information about the total volume of alcohol received in each municipality or  
 6 established village.

7 \* **Sec. 8.** AS 04.06.100(b) is amended to read:

8 (b) The subjects covered by regulations adopted under (a) of this section may  
 9 include the following matters:

10 (1) employment, conduct, and duties of the director and of regular and  
 11 contractual employees of the board;

12 (2) procedures for the issuance, denial, renewal, transfer, revocation,  
 13 and suspension of licenses, endorsements, and permits;

14 (3) terms and conditions of licenses, endorsements, and permits  
 15 issued;

16 (4) fees for licenses, endorsements, and permits issued for which fees  
 17 are not prescribed by statute;

18 (5) conduct of regular and special meetings of the board;

19 (6) delegation to the director of routine administrative functions and  
 20 powers;

21 (7) the temporary granting or denial of issuance, transfer, and renewal  
 22 of licenses and endorsements;

23 (8) manner of giving any notice required by law or regulation when not  
 24 provided for by statute;

25 (9) requirements relating to the qualifications of licensees, the  
 26 conditions upon which a license may be issued, the accommodations of licensed  
 27 premises, and board inspection of those premises;

28 (10) making of reports by wholesalers;

29 (11) purchase of fidelity bonds by the state for the director and the  
 30 employees of the board;

31 (12) prohibition of possession of alcoholic beverages by drunken

1 persons and by minors;

2 (13) required reports from corporations licensed under this title,  
3 including reports of stock ownership and transfers and changes of officers and  
4 directors;

5 (14) [CREATION OF CLASSIFICATIONS OF LICENSES OR  
6 PERMITS NOT PROVIDED FOR IN THIS TITLE;

7 (15)] establishment and collection of fees to be paid on application for  
8 a license, endorsement, or permit;

9 (15) [(16)] required reports from partnerships and limited partnerships  
10 licensed under this title, including reports of transferred interests of 10 percent or  
11 more;

12 (16) [(17)] required reports from limited liability organizations  
13 licensed under this title, including reports of the transfer of a member's interest if the  
14 transfer equals 10 percent or more of the ownership of the limited liability  
15 organization and any change of managers;

16 (17) restrictions on the manufacture, packaging, sale, and  
17 distribution of products containing alcohol that are intended for human  
18 consumption.

19 \* **Sec. 9.** AS 04 is amended by adding a new chapter to read:

20 **Chapter 09. Licenses, Endorsements, and Permits.**

21 **Article 1. License Types.**

22 **Sec. 04.09.010. Types of licenses.** A license defines activities allowed daily on  
23 licensed premises. License type is a general category of license activity based on the  
24 three-tier system of alcohol regulation. The three types of licenses the board may issue  
25 are manufacturer, wholesale, and retail licenses. The board may issue only the licenses  
26 authorized in AS 04.09.020 - 04.09.360.

27 **Article 2. Manufacturer Licenses.**

28 **Sec. 04.09.020. Brewery manufacturer license.** (a) A brewery manufacturer  
29 license authorizes the holder to operate a brewery for the manufacture, packaging,  
30 storing, and sale of its brewed beverages to a buyer as permitted in AS 04.09.050.

31 (b) The biennial brewery manufacturer license fee is \$1,500.

1 (c) At least 80 percent of each final product that contains brewed beverages  
 2 offered for sale by the holder of a brewery manufacturer license must be manufactured  
 3 on the holder's licensed premises in the state.

4 **Sec. 04.09.030. Winery manufacturer license.** (a) A winery manufacturer  
 5 license authorizes the holder to operate a winery for the manufacture, packaging,  
 6 storing, and sale of its wine to a buyer as permitted in AS 04.09.050.

7 (b) The biennial winery manufacturer license fee is \$1,500.

8 (c) At least 80 percent of each final product that contains wine offered for sale  
 9 by the holder of a winery manufacturer license must be manufactured on the holder's  
 10 licensed premises in the state.

11 **Sec. 04.09.040. Distillery manufacturer license.** (a) A distillery manufacture  
 12 license authorizes the holder to operate a distillery for the manufacture, packaging,  
 13 storing, and sale of its distilled spirits to a buyer as permitted in AS 04.09.050.

14 (b) The biennial distillery manufacturer license fee is \$1,500.

15 (c) At least 80 percent of each final product that contains distilled spirits  
 16 offered for sale by the holder of a distillery manufacturer license must be  
 17 manufactured on the holder's licensed premises in the state.

18 **Sec. 04.09.050. Authorized sales.** (a) The holder of a manufacturer license  
 19 that annually produces in total less than 300,000 barrels of brewed beverages, less than  
 20 50,000 nine-liter-equivalent cases of wine, or less than 50,000 nine-liter-equivalent  
 21 cases of distilled spirits may sell its product to

22 (1) the holder of a wholesale license issued under this chapter;

23 (2) the holder of a retail license issued under this chapter;

24 (3) the holder of a permit issued under this chapter;

25 (4) an entity in another state or country.

26 (b) The holder of a manufacturer license that annually produces in total  
 27 300,000 barrels or more of brewed beverages, 50,000 nine-liter-equivalent cases or  
 28 more of wine, or 50,000 nine-liter-equivalent cases or more of distilled spirits may sell  
 29 its product to

30 (1) the holder of a wholesale license issued under this chapter;

31 (2) an entity in another state or country.

1 (c) For purposes of calculating the volume that the holder of a manufacturer  
 2 license produces under this section, the volume of production must include all  
 3 production by

4 (1) the holder of the manufacturer's license; and

5 (2) an officer, director, agent, employee, or affiliate of the holder; in  
 6 this paragraph, "affiliate" means a person that directly or indirectly, through one or  
 7 more intermediaries, controls, or is controlled by, or is under common control with, a  
 8 corporation.

9 **Sec. 04.09.060. Unlicensed manufacturing.** (a) A person commits the crime  
 10 of unlicensed manufacturing if the person knowingly operates a

11 (1) brewery without a brewery manufacturer license;

12 (2) winery without a winery manufacturer license; or

13 (3) distillery without a distillery manufacturer license.

14 (b) Unlicensed manufacturing is a class A misdemeanor.

15 **Sec. 04.09.070. Unlicensed manufacturing in a local option area.** (a) A  
 16 person commits the crime of unlicensed manufacturing in a local option area if the  
 17 person knowingly operates in an area that has adopted a local option under  
 18 AS 04.11.491 a

19 (1) brewery without a brewery manufacturer license;

20 (2) winery without a winery manufacturer license; or

21 (3) distillery without a distillery manufacturer license.

22 (b) Unlicensed manufacturing in a local option area is a class C felony.

23 **Sec. 04.09.080. Unauthorized manufacturer sale.** (a) Except as provided in  
 24 AS 04.09.310 - 04.09.330, a person who holds a manufacturer license commits the  
 25 offense of unauthorized manufacturer sale if the person sells its product in violation of  
 26 AS 04.09.050.

27 (b) Unauthorized manufacturer sale is a violation.

28 **Sec. 04.09.090. Definition.** In AS 04.09.020 - 04.09.090, "packaging" means  
 29 the process of containing alcoholic beverages in bottles or other types of containers for  
 30 purpose of resale.

31 **Article 3. Wholesale Licenses.**

1           **Sec. 04.09.100. General wholesale license.** (a) A general wholesale license  
 2 authorizes the holder to sell alcoholic beverages at wholesale. The holder of a general  
 3 wholesale license may not sell to a person not licensed under this title, except as  
 4 provided in AS 04.21.040.

5           (b) The biennial general wholesale license fee is \$2,000.

6           (c) In addition to the license fee under (b) of this section, the holder of a  
 7 general wholesale license shall pay an annual fee based on the total value of business  
 8 transacted by the wholesale business, including the excise tax imposed by  
 9 AS 43.60.010. If the total value of business transacted during the calendar year  
 10 including the excise tax imposed by AS 43.60.010 is

11                   (1) less than or equal to \$100,000, then the annual fee is \$0;

12                   (2) over \$100,000 and not over \$150,000, then the annual fee is \$250;

13                   (3) over \$150,000 and not over \$200,000, then the annual fee is \$500;

14                   (4) over \$200,000 and not over \$250,000, then the annual fee is \$750;

15                   (5) over \$250,000 and not over \$300,000, then the annual fee is  
 16 \$1,000;

17                   (6) over \$300,000 and not over \$350,000, then the annual fee is  
 18 \$1,250;

19                   (7) over \$350,000 and not over \$400,000, then the annual fee is  
 20 \$1,500;

21                   (8) over \$400,000 and not over \$500,000, then the annual fee is  
 22 \$2,000;

23                   (9) over \$500,000 and not over \$600,000, then the annual fee is  
 24 \$2,500;

25                   (10) over \$600,000 and not over \$700,000, then the annual fee is  
 26 \$3,000;

27                   (11) over \$700,000 and not over \$800,000, then the annual fee is  
 28 \$3,500;

29                   (12) over \$800,000 and not over \$1,000,000, then the annual fee is  
 30 \$4,500;

31                   (13) over \$1,000,000, then the annual fee is \$10,000.

1           **Sec. 04.09.110. Limited wholesale brewed beverage and wine license.** (a) A  
 2 limited wholesale brewed beverage and wine license authorizes the holder to sell  
 3 brewed beverages and wine at wholesale. The holder of a limited wholesale brewed  
 4 beverage and wine license may not sell to a person not licensed under this title, except  
 5 as provided in AS 04.21.040.

6           (b) The biennial limited wholesale brewed beverage and wine license fee is  
 7 \$400.

8           (c) In addition to the license fee under (b) of this section, the holder of a  
 9 limited wholesale brewed beverage and wine license shall pay an annual fee based on  
 10 the total value of business transacted by the wholesale business, including the excise  
 11 tax imposed by AS 43.60.010. If the total value of business transacted during the  
 12 calendar year including the excise tax imposed by AS 43.60.010 is

- 13                   (1) less than or equal to \$20,000, then the annual fee is \$0;  
 14                   (2) over \$20,000 and not over \$50,000, then the annual fee is \$150;  
 15                   (3) over \$50,000 and not over \$100,000, then the annual fee is \$500;  
 16                   (4) over \$100,000 and not over \$150,000, then the annual fee is \$750;  
 17                   (5) over \$150,000 and not over \$200,000, then the annual fee is  
 18 \$1,000;  
 19                   (6) over \$200,000 and not over \$400,000, then the annual fee is  
 20 \$2,000;  
 21                   (7) over \$400,000 and not over \$600,000, then the annual fee is  
 22 \$3,000;  
 23                   (8) over \$600,000 and not over \$800,000, then the annual fee is  
 24 \$4,000;  
 25                   (9) over \$800,000, then the annual fee is \$10,000.

26           **Sec. 04.09.120. Annual fee and affidavit.** (a) Not later than February 28 of  
 27 each year the holder of a general wholesale license or a limited wholesale brewed  
 28 beverage and wine license shall pay the annual fee for the license for the preceding  
 29 calendar year, and file with the board an affidavit showing the

- 30                   (1) total value of business transacted under the license by the  
 31 wholesale business, including the excise tax imposed by AS 43.60.010, during the

1 preceding calendar year; and

2 (2) location of the licensed premises at which the business was  
3 transacted.

4 (b) Failure to file an affidavit under (a) of this section or the expiration of a  
5 license under AS 04.11.540 does not relieve a licensee from paying the prescribed  
6 annual fee.

7 **Sec. 04.09.130. Wholesale supplier declaration.** (a) A person who applies for  
8 issuance or renewal of a general wholesale license or a limited wholesale brewed  
9 beverage and wine license shall submit to the board, on a form prescribed by the  
10 board, a declaration that the person is the appointed wholesaler of the distiller, brewer,  
11 vintner, or importer of each product line of alcoholic beverage that the person intends  
12 to purchase, offer for sale, or sell. The form must include a space for the person to  
13 indicate the total number of suppliers. The board may request a list of suppliers, or  
14 additional information about a product line.

15 (b) A person filing a declaration under this section shall pay a biennial filing  
16 fee. If the declaration lists

- 17 (1) one to 25 suppliers, the fee is \$500;  
18 (2) 26 to 50 suppliers, the fee is \$1,000;  
19 (3) 51 to 75 suppliers, the fee is \$1,500;  
20 (4) 76 or more suppliers, the fee is \$2,000.

21 (c) In this section, "distiller, brewer, vintner, or importer" includes an  
22 exclusive agent of the distiller, brewer, vintner, or importer if the agent's name appears  
23 on the label of the brand approved by the Alcohol and Tobacco Tax and Trade Bureau.

24 **Sec. 04.09.140. Unlicensed wholesale sale.** (a) A person commits the crime of  
25 unlicensed wholesale sale if the person knowingly sells

26 (1) distilled spirits at wholesale without a general wholesale license; or  
27 (2) brewed beverages or wine at wholesale without a general wholesale  
28 license or a limited wholesale brewed beverage and wine license.

29 (b) Unlicensed wholesale sale is a class A misdemeanor.

30 **Sec. 04.09.145. Unlicensed wholesale sale in a local option area.** (a) A  
31 person commits the crime of unlicensed wholesale sale in a local option area if the

1 person knowingly sells in an area that has adopted a local option under AS 04.11.491

2 (1) distilled spirits at wholesale without a general wholesale license; or

3 (2) brewed beverages or wine at wholesale without a general wholesale  
4 license or a limited wholesale brewed beverage and wine license.

5 (b) Unlicensed wholesale sale in a local option area is a class C felony.

6 **Sec. 04.09.150. Failure to pay annual fee or file affidavit.** (a) A person  
7 commits the offense of failure to pay an annual wholesale fee or file a wholesale  
8 affidavit if the person fails to pay the annual fee or file the affidavit as required under  
9 AS 04.09.120.

10 (b) Failure to pay an annual wholesale fee or file a wholesale affidavit is a  
11 violation.

12 **Sec. 04.09.160. Failure to pay biennial fee or file declaration.** (a) A person  
13 commits the offense of failure to pay a biennial supplier fee or file a supplier  
14 declaration if the person fails to pay the biennial supplier fee or file the declaration as  
15 required under AS 04.09.130.

16 (b) Failure to pay a biennial supplier fee or file a supplier declaration is a  
17 violation.

#### 18 **Article 4. Retail Licenses.**

19 **Sec. 04.09.200. Beverage dispensary license.** (a) A beverage dispensary  
20 license authorizes the holder to sell or serve on the licensed premises alcoholic  
21 beverages for consumption only on the licensed premises.

22 (b) The biennial beverage dispensary license fee is \$2,500.

23 (c) The holder of a beverage dispensary license may not maintain on the  
24 licensed premises more than one room in which there is regularly maintained a fixed  
25 counter or service bar that has plumbing connections to permanent plumbing at which  
26 alcoholic beverages are sold or served to members of the public for consumption,  
27 unless the license has a multiple fixed counter endorsement under AS 04.09.420.

28 (d) Except as provided under AS 04.09.610, 04.09.640, 04.09.670, and  
29 AS 04.16.120(c), the holder of a beverage dispensary license who sells or serves  
30 alcoholic beverages off the licensed premises or permits consumption off the premises  
31 of alcoholic beverages sold or served on the premises commits the offense of

1 unauthorized beverage dispensary activity.

2 (e) Unauthorized beverage dispensary activity is a violation.

3 **Sec. 04.09.210. Restaurant or eating place license.** (a) A restaurant or eating  
4 place license authorizes a restaurant or eating place to sell brewed beverages and wine  
5 for consumption only on the licensed premises.

6 (b) The biennial restaurant or eating place license fee is \$1,250.

7 (c) The board may issue or renew a license under this section only if the

8 (1) board determines that the licensed premises is a bona fide  
9 restaurant as defined in AS 04.21.080(b);

10 (2) licensee has, or the licensee has simultaneously applied for, a  
11 restaurant endorsement; and

12 (3) sale and service of food and alcoholic beverages and any other  
13 business conducted on the licensed premises of the restaurant or eating place is under  
14 the sole control of the licensee.

15 (d) The holder of a restaurant or eating place license shall ensure that gross  
16 receipts from the sale of food for consumption on the licensed premises are not less  
17 than the total of the gross receipts from the sale of alcoholic beverages for  
18 consumption on the licensed premises in each calendar year. At the time the holder  
19 submits an application for renewal of the license, the holder shall submit a statement  
20 to the board certifying that the holder has met the requirement under this subsection  
21 for the designated period of the license under AS 04.11.680. The board may renew a  
22 restaurant or eating place license only if the licensee's statement provides evidence  
23 satisfactory to the board that, during the designated period of the license under  
24 AS 04.11.680, the gross receipts from the sale of food for consumption on the licensed  
25 premises were not less than the total of the gross receipts from the sale of alcoholic  
26 beverages for consumption on the licensed premises.

27 (e) The holder of a restaurant or eating place license may provide  
28 entertainment on or adjacent to the licensed premises only between the hours of 3:00  
29 p.m. and 11:00 p.m. unless additional hours are approved by the director upon the  
30 written request of the licensee for a specific occasion. The director may not grant  
31 approval for additional hours of entertainment on or adjacent to the licensed premises

1 of an individual licensee more than six times in a calendar year. In this subsection,  
 2 "entertainment" includes dancing, karaoke, live performances, or similar activities, but  
 3 does not include recorded or broadcast performances without live participation.

4 (f) Except as provided under AS 04.09.620, 04.09.640, and AS 04.16.120(c),  
 5 the holder of a restaurant or eating place license commits the offense of failure to  
 6 comply with the terms of a restaurant or eating place license if the person sells brewed  
 7 beverages or wine in violation of (a) of this section or fails to comply with (e) of this  
 8 section.

9 (g) Failure to comply with the terms of a restaurant or eating place license is a  
 10 violation.

11 **Sec. 04.09.220. Club license.** (a) A club license authorizes a club or  
 12 organization to sell alcoholic beverages for consumption only on the licensed  
 13 premises.

14 (b) The biennial fee for a club license is \$2,500.

15 (c) The board may issue a club license only to an organization operated for  
 16 social, recreational, benevolent, or athletic purposes and not for profit. The board may  
 17 issue a club license only to a club, fraternal organization, patriotic organization, or  
 18 social organization that has been

19 (1) chartered by a state or national organization for a period of 10  
 20 consecutive years before application for a license under this section; or

21 (2) chartered by a national organization that has maintained a chartered  
 22 club or organization within the state for a period of at least 20 years.

23 (d) Alcoholic beverages sold under a club license may be purchased only by

24 (1) members of the club and their families;

25 (2) widows or widowers of deceased members of the club who have  
 26 been accorded club privileges; and

27 (3) military personnel on active duty who are extended the privilege by  
 28 patriotic organizations.

29 (e) Alcoholic beverages may be purchased only in the portion of the club  
 30 rooms that are part of the licensed premises.

31 (f) Guests who enter the club premises on the invitation of a member and in

1 the company of the member may be served but not sold alcoholic beverages. A guest  
 2 shall leave the premises immediately upon the departure of the member who extended  
 3 the invitation to enter.

4 (g) Notwithstanding AS 04.16.049, access by persons under 21 years of age to  
 5 the

6 (1) licensed premises of a club is permitted when alcoholic beverages  
 7 are not present; and

8 (2) premises of a patriotic organization licensed as a club under this  
 9 section is permitted when alcoholic beverages are present, if the person possesses a  
 10 valid active duty military or armed forces identification card issued by the United  
 11 States Department of Defense or the United States Department of Homeland Security.

12 (h) The holder of a club license may not serve or sell alcoholic beverages for  
 13 use or consumption off the licensed premises of the club or organization, including use  
 14 or consumption by a club member or employee, except under a club caterer's permit.

15 (i) The holder of a club license may not

16 (1) solicit public patronage of the club premises, except as approved by  
 17 the board;

18 (2) distribute income from the sale of alcoholic beverages under the  
 19 license to a member, director, or officer;

20 (3) sell or serve alcoholic beverages in club rooms outside the portion  
 21 of the club rooms that are part of the licensed premises.

22 (j) In this section, "member" means a holder of a full year of paid membership  
 23 entitling the holder to all voting rights and privileges of membership under the  
 24 constitution or bylaws of the club or organization.

25 (k) The holder of a club license commits the offense of failure to comply with  
 26 the terms of a club license if the person sells alcoholic beverages in violation of (a) of  
 27 this section or violates (d), (e), (f), (h), or (i) of this section.

28 (l) Failure to comply with the terms of a club license is a violation.

29 **Sec. 04.09.230. Package store license.** (a) A package store license authorizes  
 30 the holder to operate a package store to store alcoholic beverages with federally  
 31 compliant labels, and to sell alcoholic beverages with federally compliant labels to a

1 person present on the licensed premises.

2 (b) The biennial package store license fee is \$1,500.

3 (c) The licensed premises occupied by the holder of a package store license  
4 may not be connected by a door, opening, or other means of passage intended for the  
5 access of the general public to an adjacent retail business not licensed under this title  
6 unless approved by the board.

7 (d) If the holder of a package store license also holds a beverage dispensary  
8 license, the licensed premises of the package store are contained within or are adjacent  
9 to the licensed premises of the beverage dispensary, and the only public entrance to  
10 the package store is by a door or other means within the beverage dispensary, the  
11 board shall determine whether additional entrances to the package store are necessary  
12 for enforcement purposes, to meet health and fire safety standards, or for the  
13 convenience of the public.

14 (e) The holder of a package store license may not

15 (1) offer alcoholic beverages for consumption on the licensed premises  
16 or allow the consumption of alcoholic beverages on the licensed premises except as  
17 authorized by a package store sampling endorsement issued under AS 04.09.490 or a  
18 tasting event permit issued under AS 04.09.670;

19 (2) subdivide alcoholic beverages except as authorized by a package  
20 store repackaging endorsement issued under AS 04.09.480;

21 (3) offer alcoholic beverages for sale or sell alcoholic beverages to a  
22 person not present on the licensed premises who makes an order for shipment except  
23 as authorized by a package store shipping endorsement under AS 04.09.460; or

24 (4) deliver alcoholic beverages to a person not present on the licensed  
25 premises except as authorized by a package store delivery endorsement under  
26 AS 04.09.470.

27 (f) The holder of a package store license commits the offense of failure to  
28 comply with the terms of a package store license if the person stores or sells alcoholic  
29 beverages in violation of (a) of this section or fails to comply with (c) or (e) of this  
30 section.

31 (g) Failure to comply with the terms of a package store license is a violation.

1           **Sec. 04.09.240. Pub license.** (a) A pub license authorizes the holder to sell  
2 brewed beverages and wine for consumption only at a designated premises located on  
3 the campus of an accredited college or university.

4           (b) The biennial pub license fee is \$1,250.

5           (c) The board may not

6                 (1) issue more than one pub license for each accredited college or  
7 university campus in the state; and

8                 (2) issue or renew a pub license without the written approval of the  
9 governing body of the accredited college or university.

10          (d) The board may designate two alternating premises for a pub license if

11                 (1) both premises are

12                         (A) located on the accredited college or university campus;

13                         (B) not located in contiguous rooms or adjacent buildings; and

14                         (C) under the licensee's control;

15                 (2) at any time, only one location is operating as a licensed premises  
16 with specified operating hours approved by the board; and

17                 (3) all alcoholic beverages are either removed from the alternate  
18 premises or stored in a secure location that is not accessible to the general public  
19 during times when the alternate premises is not operating as a licensed premises.

20          (e) The board may suspend or revoke a licensee's use of an alternate premises  
21 under (d) of this section after providing written notice and an opportunity to be heard  
22 to the licensee.

23          (f) In this section, "accredited college or university" means a college or  
24 university accredited by the Northwest Commission on Colleges and Universities.

25          (g) The holder of a pub license commits the offense of failure to comply with  
26 the terms of a pub license if the person sells brewed beverages or wine in violation of  
27 (a) of this section.

28          (h) Failure to comply with the terms of a pub license is a violation.

29           **Sec. 04.09.250. Theater license.** (a) A theater license authorizes the holder of  
30 a beverage dispensary license or a restaurant or eating place license to sell alcoholic  
31 beverages for consumption on licensed premises at a specified theater site, except that

1 a restaurant or eating place licensee with a theater license may only sell brewed  
2 beverages and wine.

3 (b) The biennial theater license fee is \$1,250.

4 (c) The holder of a theater license may sell or serve alcoholic beverages only  
5 in designated areas on the licensed premises, and only for one hour before the event  
6 and during intermissions.

7 (d) The holder of a theater license may not sell, serve, or permit the  
8 consumption of alcoholic beverages in the audience viewing area.

9 (e) The holder of a theater license shall post the license conspicuously in the  
10 theater during times when alcoholic beverages are sold.

11 (f) The board may not approve an application for transfer of a theater license  
12 to another location.

13 (g) The board may deny an application for renewal of a theater license if the  
14 theater license was not used for at least one event during each calendar year of the  
15 license period.

16 (h) In this section, "theater" means a location where events, including plays,  
17 operas, orchestra concerts, readings, and similar activities as determined by the board  
18 are presented by live performers on a stage.

19 (i) A person commits the offense of failure to comply with the terms of a  
20 theater license if the person sells, serves, or permits the consumption of alcoholic  
21 beverages except as permitted in this section or fails to post the license as required by  
22 this section.

23 (j) Failure to comply with the terms of a theater license is a violation.

24 **Sec. 04.09.260. Common carrier dispensary license.** (a) A common carrier  
25 dispensary license authorizes the holder to sell alcoholic beverages for consumption  
26 aboard a boat or train licensed by a state or federal agency for passenger travel, or  
27 aboard aircraft operated by an airline licensed by a state or federal agency for  
28 passenger travel.

29 (b) Except as provided for airlines under (c) of this section, the biennial  
30 common carrier dispensary license fee is \$1,000 for each of the first 10 licenses a  
31 common carrier holds and \$100 for each additional license issued to the common

1 carrier after the first 10 licenses.

2 (c) The biennial fee for a common carrier dispensary license issued to an  
3 airline is the fee specified under (b) of this section for each aircraft in which alcoholic  
4 beverages are served or \$2,000 for each community served by the airline. An airline  
5 shall specify the fee applicable to the license at the time of the airline's application for  
6 issuance or renewal of the license.

7 (d) Except for a common carrier that is an airline, a common carrier shall  
8 obtain a license for each boat or train in which alcoholic beverages are served. After  
9 obtaining an initial license for the first boat or train, the common carrier may obtain  
10 additional licenses for additional boats or trains upon making a written request  
11 identifying the boat or train in the manner prescribed by the board, and paying the  
12 biennial fee for additional licensed premises as required by (b) of this section.

13 (e) The holder of a common carrier dispensary license who exceeds the  
14 authority granted in (a) of this section commits the crime of unauthorized common  
15 carrier dispensary activity.

16 (f) Unauthorized common carrier dispensary activity is a class A  
17 misdemeanor.

18 (g) The holder of a common carrier dispensary license who fails to comply  
19 with (b) - (d) of this section commits the offense of common carrier dispensary  
20 noncompliance.

21 (h) Common carrier dispensary noncompliance is a violation and is punishable  
22 by a fine of \$500 for each boat, train, or aircraft not in compliance with this section.

23 **Sec. 04.09.270. Sporting event license.** (a) A sporting event license authorizes  
24 the holder to sell brewed beverages and wine at a sporting event site during and one  
25 hour before and after a sporting event that is not a school event, for consumption on  
26 designated areas at the sporting event site.

27 (b) The biennial sporting event license fee is \$1,250.

28 (c) In this section, "sporting event site" includes a location where baseball,  
29 hockey, rugby, soccer, or football games, car races, dog sled racing events, or curling  
30 matches are regularly held during a season.

31 (d) The holder of a sporting event license who sells brewed beverages or wine

1 off the licensed premises or during hours not authorized under (a) of this section or  
 2 who permits consumption off the premises of brewed beverages or wine sold on the  
 3 premises commits the offense of unauthorized sporting event activity.

4 (e) Unauthorized sporting event activity is a violation.

5 (f) The holder, on the day before the effective date of this section, of a  
 6 recreational site license issued under former AS 04.11.210 who offered brewed  
 7 beverages and wine for sale to the public for consumption on the licensed premises  
 8 may continue to offer brewed beverages and wine for sale to the public for  
 9 consumption on the premises until December 31, 2026, for a license renewing on an  
 10 even-numbered year, or December 31, 2027, for a license renewing on an odd-  
 11 numbered year, if the holder of the license is otherwise in compliance with the  
 12 requirements of this title as it read on the day before the effective date of this section.

13 **Sec. 04.09.280. Outdoor recreation lodge license.** (a) An outdoor recreation  
 14 lodge license authorizes the holder to sell alcoholic beverages to a registered overnight  
 15 guest or off-duty staff of the lodge for consumption on the licensed premises or in  
 16 conjunction with purchased outdoor recreation activities provided by the licensee.

17 (b) The biennial outdoor recreation lodge license fee is \$2,500.

18 (c) The board may not grant an application for transfer of an outdoor  
 19 recreation lodge license to another location.

20 (d) In this section, "outdoor recreation lodge" means a licensed business that  
 21 provides overnight accommodations and meals, is primarily involved in offering  
 22 opportunities for persons to engage in outdoor recreation activities, and has a  
 23 minimum of two guest rooms.

24 (e) The holder of an outdoor recreation lodge license who sells alcoholic  
 25 beverages in violation of the authority granted under (a) of this section commits the  
 26 offense of unauthorized outdoor recreation lodge activity.

27 (f) Unauthorized outdoor recreation lodge activity is a violation.

28 **Sec. 04.09.290. Golf course license.** (a) A golf course license authorizes the  
 29 holder to sell brewed beverages and wine for consumption on the licensed premises.

30 (b) The biennial golf course license fee is \$1,250.

31 (c) An application for a golf course license must include

1 (1) a drawing of the golf course with an annotated illustration and  
2 description of the portions of the course that are intended to be licensed premises; and

3 (2) a sample food menu.

4 (d) The board may not approve an application for transfer of a golf course  
5 license to another location.

6 (e) The holder of a golf course license shall make food similar to that listed in  
7 the sample menu available during times when brewed beverages and wine are sold,  
8 served, and consumed on the licensed premises.

9 (f) The holder of a golf course license may not allow a person other than the  
10 holder or an agent or employee of the holder, in the regular course of employment, to  
11 bring alcoholic beverages onto the licensed premises or other portions of the course  
12 for consumption.

13 (g) In this section, "licensed premises" includes the golf course, a driving  
14 range, a club house, and other buildings located on the course, and a vending cart  
15 carrying beverages or food to, from, or on the course, and does not include the parking  
16 lot.

17 (h) The holder of a golf course license commits the offense of failure to  
18 comply with the terms of a golf course license if the person sells brewed beverages or  
19 wine in violation of this section or violates (e) or (f) of this section.

20 (i) Failure to comply with the terms of a golf course license is a violation.

21 **Sec. 04.09.300. Destination resort license.** (a) A destination resort license  
22 authorizes the holder to sell alcoholic beverages at a destination resort for  
23 consumption on the licensed premises in conjunction with the visitor activities  
24 provided by the licensee to cruise ship passengers and staff and other visitors while the  
25 cruise ship is in port at the resort.

26 (b) The biennial destination resort license fee is \$2,500.

27 (c) The board may not approve an application for transfer of a destination  
28 resort license to another location.

29 (d) In this section, "destination resort" means a business that owns a site of at  
30 least 20 acres that is used principally as a destination for cruise ships and other vessels  
31 that carry a minimum of 50 passengers and that does not provide overnight lodging on

1 its premises for visitors.

2 (e) The holder of a destination resort license commits the offense of failure to  
3 comply with a destination resort license if the person sells alcoholic beverages in  
4 violation of (a) of this section.

5 (f) Failure to comply with the terms of a destination resort license is a  
6 violation.

7 **Sec. 04.09.310. Brewery retail license.** (a) A brewery retail license authorizes  
8 the holder to store, sell, or serve on the licensed premises brewed beverages for  
9 consumption on and off the premises.

10 (b) The biennial brewery retail license fee is \$1,250.

11 (c) The board may issue a brewery retail license only to the holder of a  
12 brewery manufacturer license under AS 04.09.020. The brewery retail licensed  
13 premises may be all or part of the brewery manufacturer licensed premises, or the  
14 brewery retail licensed premises may be at a single different site that is adjacent to the  
15 brewery manufacturer licensed premises.

16 (d) Each day, the holder of a brewery retail license may sell, to a person on the  
17 licensed premises for consumption on the licensed premises, not more than

18 (1) 36 ounces of the holder's beer; or

19 (2) 18 ounces of the holder's sake.

20 (e) The holder of a brewery retail license may not

21 (1) allow live entertainment, televisions, pool tables, dart games,  
22 dancing, electronic or other games, game tables, or other recreational or gaming  
23 opportunities on or adjacent to the premises where the consumption occurs;

24 (2) provide seats at the counter or bar where the brewed beverages are  
25 served;

26 (3) open the room where the consumption occurs before 9:00 a.m.; or

27 (4) serve brewed beverages after 8:00 p.m.

28 (f) Each day, the holder of a brewery retail license is authorized to sell, to a  
29 person on the licensed premises for consumption off the licensed premises, not more  
30 than

31 (1) 5.167 gallons of the holder's beer; or

1 (2) nine liters of the holder's sake.

2 (g) The holder of a brewery retail license commits the offense of failure to  
3 comply with the terms of a brewery retail license if the person stores, sells, or serves  
4 brewed beverages in violation of (a) of this section or violates (d), (e), or (f) of this  
5 section.

6 (h) Failure to comply with the terms of a brewery retail license is a violation.

7 **Sec. 04.09.320. Winery retail license.** (a) A winery retail license authorizes  
8 the holder to store, sell, or serve on the licensed premises wine for consumption on  
9 and off the premises.

10 (b) The biennial winery retail license fee is \$1,250.

11 (c) The board may issue a winery retail license only to the holder of a winery  
12 manufacturer license issued under AS 04.09.030. The winery retail licensed premises  
13 may be all or part of the winery manufacturer licensed premises, or the winery retail  
14 licensed premises may be at a single different site that is adjacent to the winery  
15 manufacturer licensed premises.

16 (d) Each day, the holder of a winery retail license may sell, to a person on the  
17 licensed premises for consumption on the licensed premises, not more than

18 (1) 18 ounces of the holder's wine, mead, or cider containing 8.5  
19 percent or more alcohol by volume; or

20 (2) 36 ounces of the holder's cider containing less than 8.5 percent  
21 alcohol by volume.

22 (e) The holder of a winery retail license may not

23 (1) allow live entertainment, televisions, pool tables, dart games,  
24 dancing, electronic or other games, game tables, or other recreational or gaming  
25 opportunities on or adjacent to the premises where the consumption occurs;

26 (2) provide seats at the counter or bar where the wine is served;

27 (3) open the room where the consumption occurs before 9:00 a.m.; or

28 (4) serve wine after 8:00 p.m.

29 (f) Each day, the holder of a winery retail license is authorized to sell, to a  
30 person on the licensed premises for consumption off the licensed premises, not more  
31 than

1 (1) nine liters of the holder's wine, mead, or cider containing 8.5  
2 percent or more alcohol by volume; or

3 (2) 5.167 gallons of the holder's cider containing less than 8.5 percent  
4 alcohol by volume.

5 (g) The holder of a winery retail license commits the offense of failure to  
6 comply with the terms of a winery retail license if the person stores, sells, or serves  
7 wine in violation of (a) of this section or violates (d), (e), or (f) of this section.

8 (h) Failure to comply with the terms of a winery retail license is a violation.

9 (i) The holder, on the day before the effective date of this section, of a winery  
10 license issued under former AS 04.11.140 who provided seating at the counter or bar  
11 where the wine is served on the winery's licensed premises may continue to provide  
12 seating at the counter or bar where the wine is served for a period ending on  
13 December 31, 2022, for a license that is subject to renewal on an even-numbered year  
14 and December 31, 2023, for a license that is subject to renewal on an odd-numbered  
15 year.

16 **Sec. 04.09.330. Distillery retail license.** (a) A distillery retail license  
17 authorizes the holder to store, sell, or serve on the licensed premises distilled spirits  
18 for consumption on and off the premises.

19 (b) The biennial distillery retail license fee is \$1,250.

20 (c) The board may issue a distillery retail license only to the holder of a  
21 distillery manufacturer license under AS 04.09.040. The distillery retail licensed  
22 premises may be all or part of the distillery manufacturer licensed premises, or the  
23 distillery retail licensed premises may be at a single different site that is adjacent to the  
24 distillery manufacturer licensed premises.

25 (d) The holder of a distillery retail license may sell not more than three ounces  
26 of the holder's distilled spirits each day to a person on the licensed premises for  
27 consumption on the licensed premises.

28 (e) The holder of a distillery retail license may not

29 (1) allow live entertainment, televisions, pool tables, dart games,  
30 dancing, electronic or other games, game tables, or other recreational or gaming  
31 opportunities on or adjacent to the premises where the consumption occurs;

1 (2) provide seats at the counter or bar where the distilled spirits are  
2 served;

3 (3) open the room where the consumption occurs before 9:00 a.m.; or

4 (4) serve distilled spirits after 8:00 p.m.

5 (f) The holder of a distillery retail license is authorized to sell not more than  
6 3.75 liters of the holder's distilled spirits each day to a person on the licensed premises  
7 for consumption off the licensed premises.

8 (g) The holder of a distillery retail license commits the offense of failure to  
9 comply with the terms of a distillery retail license if the person stores, sells, or serves  
10 distilled spirits in violation of (a) of this section or violates (d), (e), or (f) of this  
11 section.

12 (h) Failure to comply with the terms of a distillery retail license is a violation.

13 **Sec. 04.09.340. Beverage dispensary tourism license.** (a) A beverage  
14 dispensary tourism license authorizes the holder to sell or serve on the licensed  
15 premises alcoholic beverages for consumption only on the licensed premises.

16 (b) The biennial beverage dispensary tourism license fee is \$2,500.

17 (c) The board may issue a beverage dispensary tourism license or approve an  
18 application for the transfer of ownership of a beverage dispensary tourism license if it  
19 appears that issuance or transfer will encourage the tourism trade by promoting the  
20 construction or improvement of

21 (1) a hotel, motel, resort, or similar business relating to the tourist trade  
22 with a dining facility or having kitchen facilities in a majority of its rental rooms and  
23 at least a minimum number of rental rooms required according to the population of the  
24 established village, incorporated city, unified municipality, or population area  
25 established under AS 04.11.400(a) in which the facility will be located, as follows:

26 (A) 10 rental rooms if the population is less than 1,501;

27 (B) 20 rental rooms if the population is 1,501 - 2,500;

28 (C) 25 rental rooms if the population is 2,501 - 5,000;

29 (D) 30 rental rooms if the population is 5,001 - 15,000;

30 (E) 35 rental rooms if the population is 15,001 - 25,000;

31 (F) 40 rental rooms if the population is 25,001 - 50,000; and

1 (G) 50 rental rooms if the population is greater than 50,000; or

2 (2) an airport terminal.

3 (d) The holder of a beverage dispensary tourism license may not maintain on  
4 the licensed premises more than one room in which there is regularly maintained a  
5 fixed counter or service bar that has plumbing connections to permanent plumbing at  
6 which alcoholic beverages are sold or served to members of the public for  
7 consumption unless the license has a multiple fixed counter endorsement under  
8 AS 04.09.420, a hotel or motel endorsement under AS 04.09.430, or a large resort  
9 endorsement under AS 04.09.440.

10 (e) Except as provided under AS 04.09.610, 04.09.640, 04.09.670, and  
11 AS 04.16.120(c), the holder of a beverage dispensary tourism license who sells or  
12 serves alcoholic beverages off the licensed premises or permits consumption off the  
13 premises of alcoholic beverages sold or served on the premises commits the offense of  
14 unauthorized beverage dispensary tourism activity.

15 (f) Unauthorized beverage dispensary tourism activity is a violation.

16 **Sec. 04.09.350. Seasonal restaurant or eating place tourism license.** (a) A  
17 seasonal restaurant or eating place tourism license authorizes a restaurant or eating  
18 place to sell brewed beverages and wine for consumption only on the licensed  
19 premises for a period not to exceed six months in each calendar year.

20 (b) The biennial seasonal restaurant or eating place tourism license fee is  
21 \$1,250.

22 (c) The board may issue or renew a license under this section only if

23 (1) the board determines that the licensed premises is a bona fide  
24 restaurant as defined in AS 04.21.080(b);

25 (2) the licensee has, or the licensee has simultaneously applied for, a  
26 restaurant endorsement; and

27 (3) the sale and service of food and alcoholic beverages and any other  
28 business conducted on the licensed premises of the restaurant or eating place is under  
29 the sole control of the licensee.

30 (d) The board may issue a license under this section only in a municipality or  
31 established village that

1 (1) has a population of 20,000 or less; and

2 (2) includes a community that receives more than 4,000 visitors a year,  
3 as determined by the Department of Commerce, Community, and Economic  
4 Development.

5 (e) The board may issue a license or approve an application for the transfer of  
6 ownership of a license under this section if it appears that issuance or transfer will  
7 encourage the tourism trade.

8 (f) The holder of a seasonal restaurant or eating place tourism license shall  
9 ensure that gross receipts from the sale of food for consumption on the licensed  
10 premises are not less than the total of the gross receipts from the sale of alcoholic  
11 beverages for consumption on the licensed premises in each calendar year. At the time  
12 the holder submits an application for renewal of the license, the holder shall submit a  
13 statement to the board certifying that the holder has met the requirement under this  
14 subsection for the designated period of the license under AS 04.11.680. The board  
15 may renew a seasonal restaurant or eating place tourism license only if the licensee  
16 provides evidence satisfactory to the board that, during the designated period of the  
17 license under AS 04.11.680, the gross receipts from the sale of food for consumption  
18 on the licensed premises were not less than the total of the gross receipts from the sale  
19 of alcoholic beverages for consumption on the licensed premises.

20 (g) The board shall adopt a regulation establishing a formula to limit the  
21 number of seasonal restaurant or eating place tourism licenses.

22 (h) The holder of a seasonal restaurant or eating place tourism license may  
23 provide entertainment on or adjacent to the licensed premises only between the hours  
24 of 3:00 p.m. and 11:00 p.m. unless additional hours are approved by the director upon  
25 the written request of the licensee for a specific occasion. The director may not grant  
26 approval for additional hours of entertainment on or adjacent to the licensed premises  
27 of an individual licensee more than three times in a calendar year. In this subsection,  
28 "entertainment" includes dancing, karaoke, live performances, or similar activities, but  
29 does not include recorded or broadcast performances without live participation.

30 (i) Except as provided under AS 04.09.620, 04.09.640, and AS 04.16.120(c),  
31 the holder of a seasonal restaurant or eating place tourism license commits the offense

1 of failure to comply with the terms of a seasonal restaurant or eating place tourism  
 2 license if the person sells brewed beverages or wine in violation of (a) of this section  
 3 or fails to comply with (f) or (h) of this section.

4 (j) Failure to comply with the terms of a seasonal restaurant or eating place  
 5 tourism license is a violation.

6 **Sec. 04.09.360. Winery direct shipment license.** (a) A winery direct shipment  
 7 license authorizes the holder of a winery retail license issued under AS 04.09.320, or  
 8 the holder of a winery license issued in another state, to sell the holder's wine in  
 9 response to an order for shipment to a person, for personal use only and not for resale,  
 10 who is located in the state. A winery direct shipment license may not be transferred to  
 11 another person or another location.

12 (b) The biennial fee for a winery direct shipment license is \$200.

13 (c) An applicant for issuance or renewal of a winery direct shipment license  
 14 shall

15 (1) submit an application on a form prescribed by the board;

16 (2) consent to the jurisdiction of the board, the Department of  
 17 Revenue, and any other state agency or state court concerning enforcement of this  
 18 title; and

19 (3) if the applicant is the holder of a license or permit authorizing the  
 20 holder to manufacture and sell wine to the public issued in another state, provide to the  
 21 board a copy of the holder's license or permit issued

22 (A) in the state; and

23 (B) by the Alcohol and Tobacco Tax and Trade Bureau.

24 (d) All wine shipped to a purchaser in the state by the holder of a winery direct  
 25 shipment license is subject to the state excise tax.

26 (e) The holder of a winery direct shipment license may not

27 (1) ship wine to an address located in an area that has adopted a local  
 28 option under AS 04.11.491;

29 (2) sell more than the equivalent of six nine-liter cases of wine to a  
 30 purchaser in one transaction, or more than the equivalent of 12 nine-liter cases of wine  
 31 to a purchaser in a calendar year; and

1 (3) ship wine using a common carrier who is not approved by the  
2 board to ship alcoholic beverages to persons in the state under AS 04.16.125(b).

3 (f) Before shipping an order under this section, the holder of a winery direct  
4 shipment license shall

5 (1) verify that the person submitting the order is at least 21 years of  
6 age, using an age verification service or other method, and that the named recipient of  
7 the shipment, if not the same person as the person submitting the order, is at least 21  
8 years of age;

9 (2) determine that the order will not exceed the limits of (e)(2) of this  
10 section;

11 (3) provide written or electronic information to the person submitting  
12 the order on fetal alcohol syndrome and fetal alcohol effects resulting from a woman's  
13 consumption of alcohol during pregnancy; and

14 (4) label the shipping container as containing alcoholic beverages and  
15 requiring a signature by a person who is at least 21 years of age upon delivery.

16 (g) The holder of a winery direct shipment license shall

17 (1) retain records of sales made under this license for at least two  
18 years; and

19 (2) make records of sales available for inspection and audit by the  
20 board and the Department of Revenue.

21 (h) The board shall compile a list that is available for public inspection of  
22 local option areas and notify the holder of a winery direct shipment license of any  
23 change to the list.

24 (i) The holder of a winery direct shipment license commits the offense of  
25 failure to comply with the terms of a winery direct shipment license if the person fails  
26 to comply with (e) - (g) of this section.

27 (j) Failure to comply with the terms of a winery direct shipment license is a  
28 violation.

29 **Sec. 04.09.370. Unlicensed retail sale.** (a) A person commits the crime of  
30 unlicensed retail sale if the person knowingly operates without the appropriate license  
31 a retail operation that requires a license under AS 04.09.200 - 04.09.360.

1 (b) Unlicensed retail sale is a class A misdemeanor and is punishable under  
2 AS 12.55.

3 **Sec. 04.09.380. Unlicensed retail sale in a local option area.** (a) A person  
4 commits the crime of unlicensed retail sale in a local option area if the person  
5 knowingly operates without a license in an area that has adopted a local option under  
6 AS 04.11.491 a retail operation that requires a license under AS 04.09.200 -  
7 04.09.360.

8 (b) Unlicensed retail sale in a local option area is a class C felony and is  
9 punishable under AS 12.55.

### 10 **Article 5. Endorsements.**

11 **Sec. 04.09.400. Types of endorsements.** (a) An endorsement expands the  
12 boundaries of a licensed premises or the authorized activities of a licensed business.

13 (b) Only the board may issue an endorsement. The board may issue only the  
14 endorsements authorized in AS 04.09.400 - 04.09.520.

15 (c) An endorsement is valid only in conjunction with a license. An  
16 endorsement may only be transferred to another person if the license for which the  
17 endorsement was issued is also transferred to that person. An endorsement expires if  
18 the licensed premises are relocated, the license expires, or the license is revoked.

19 (d) Except as provided in (c) of this section, an endorsement is valid for the  
20 duration of the license as designated in AS 04.11.680. The holder of the endorsement  
21 shall renew the endorsement biennially.

22 (e) An application for an endorsement under AS 04.09.400 - 04.09.520 must

23 (1) be made in writing on a form prescribed by the board; and

24 (2) demonstrate that the holder of the license has authority over and  
25 will exercise control over conduct of the business in all areas of the licensed premises,  
26 including premises newly licensed by the endorsement.

27 **Sec. 04.09.410. Manufacturer sampling endorsement.** (a) A manufacturer  
28 sampling endorsement authorizes the holder of a brewery manufacturer license,  
29 winery manufacturer license, or distillery manufacturer license to offer for  
30 consumption on the licensed premises at no charge a small sample of an alcoholic  
31 beverage produced by the manufacturer.

1 (b) The biennial fee for a manufacturer sampling endorsement is \$200.

2 (c) A person serving a sample of an alcoholic beverage under this section must  
3 have a current alcohol server education card issued under AS 04.21.025(c). Only the  
4 license holder or an agent or employee of the license holder may serve a sample.

5 (d) The holder of a manufacturer sampling endorsement may serve a total  
6 volume of samples to a person on a licensed premises each day that does not exceed

7 (1) for the holder of a brewery manufacturer license,

8 (A) 12 ounces of beer; or

9 (B) six ounces of sake;

10 (2) for the holder of a winery manufacturer license,

11 (A) six ounces of wine, mead, or cider containing 8.5 percent  
12 or more alcohol by volume; or

13 (B) 12 ounces of cider containing less than 8.5 percent alcohol  
14 by volume;

15 (3) for the holder of a distillery manufacturer license, 1.5 ounces of  
16 distilled spirits.

17 (e) The holder of a manufacturer sampling endorsement may not publicly  
18 advertise, including through newsprint, radio, or television, sampling activities  
19 conducted under the endorsement. However, the holder of a manufacturer sampling  
20 endorsement may notify existing customers of sampling activities, including by  
21 electronic means.

22 (f) A person who offers a sample of an alcoholic beverage for consumption on  
23 the licensed premises of a brewery, winery, or distillery without an endorsement under  
24 this section commits the offense of unendorsed sampling.

25 (g) Unendorsed sampling is a violation and is punishable by a fine of \$500.

26 (h) The holder of a manufacturer sampling endorsement who fails to comply  
27 with the requirements of (c) - (e) of this section commits the offense of failure to  
28 comply with the terms of a manufacturer sampling endorsement.

29 (i) Failure to comply with the terms of a manufacturer sampling endorsement  
30 is a violation.

31 **Sec. 04.09.420. Multiple fixed counter endorsement.** (a) A multiple fixed

1 counter endorsement authorizes the holder of a beverage dispensary license or a  
2 beverage dispensary tourism license to sell or serve alcoholic beverages on the  
3 licensed premises from multiple fixed counters.

4 (b) The biennial fee for a multiple fixed counter endorsement is \$200.

5 (c) In addition to the fee under (b) of this section, the initial application fee for  
6 each fixed counter covered under the endorsement is \$1,250.

7 (d) An initial application for a multiple fixed counter endorsement must  
8 include an annotated drawing of the location of each fixed counter in the licensed  
9 premises.

10 (e) A fixed counter at which alcoholic beverages are sold or served to the  
11 public for consumption covered under a multiple fixed counter endorsement must be a  
12 regularly maintained fixed counter or service bar that has plumbing connections to  
13 permanent plumbing. Multiple fixed counters must be located in the same building  
14 under the same contiguous licensed premises as set out in regulation, except as  
15 provided for the holder of a hotel or motel endorsement under AS 04.09.430 or a large  
16 resort endorsement under AS 04.09.440. The board shall adopt regulations to  
17 implement this subsection.

18 (f) The holder of a beverage dispensary license or a beverage dispensary  
19 tourism license who maintains multiple fixed counters without an endorsement under  
20 this section commits the offense of unendorsed service at multiple fixed counters.

21 (g) The holder of a multiple fixed counter endorsement who fails to comply  
22 with the requirements of (e) of this section commits the offense of multiple fixed  
23 counter endorsement noncompliance.

24 (h) Unendorsed service at multiple fixed counters is a violation and is  
25 punishable by a fine of \$500.

26 (i) Multiple fixed counter endorsement noncompliance is a violation.

27 **Sec. 04.09.430. Hotel or motel endorsement.** (a) A hotel or motel  
28 endorsement authorizes the holder of a beverage dispensary license or a beverage  
29 dispensary tourism license that is a hotel, motel, resort, or similar business premises  
30 that caters to the traveling public as a substantial part of its business to sell or serve  
31 alcoholic beverages on the licensed premises, including in the dining room, banquet

1 room, and other public areas approved by the board, and in guest rooms.

2 (b) The biennial fee for a hotel or motel endorsement is \$200.

3 (c) The holder of a beverage dispensary license or a beverage dispensary  
4 tourism license that is a hotel, motel, resort, or similar business premises that caters to  
5 the traveling public as a substantial part of its business shall apply for a multiple fixed  
6 counter endorsement under AS 04.09.420 to sell or serve alcoholic beverages at a  
7 secondary location located in a building different than the licensed premises for the  
8 beverage dispensary license or a beverage dispensary tourism license if the different  
9 building

10 (1) is located on the same property as, adjacent to, or attached to the  
11 originally licensed premises;

12 (2) principally caters to guests of the hotel or motel; and

13 (3) principally encourages the tourism trade at the hotel or motel.

14 (d) The holder of a hotel or motel endorsement may stock alcoholic beverages  
15 in guest rooms, for sale and consumption only in the guest room. Alcoholic beverages  
16 stocked under this subsection must be stocked by an employee who is 21 years of age  
17 or older, may not be supplied or resupplied during hours that the sale of alcoholic  
18 beverages is prohibited as provided under AS 04.16.010(a) and (d), and must be stored  
19 in a unit using a key or combination lock system within the guest room. A key lock  
20 system must be designed to prevent the removal of the key unless the unit is locked.  
21 Except for the licensee, or an agent or employee of the licensee, a key or combination  
22 enabling a person to obtain alcoholic beverages stocked in a guest room may only be  
23 provided to a guest who occupies the room and who is 21 years of age or older.

24 (e) The holder of a hotel or motel endorsement shall exercise control over  
25 conduct of the business in all areas of the licensed premises.

26 (f) The holder of a beverage dispensary license or a beverage dispensary  
27 tourism license who engages in activity under this section without an endorsement  
28 under this section commits the offense of unendorsed hotel or motel service.

29 (g) The holder of a hotel or motel endorsement who fails to comply with the  
30 requirements of this section commits the offense of hotel or motel endorsement  
31 noncompliance.

1 (h) Unendorsed hotel or motel service is a violation and is punishable by a fine  
2 of \$500.

3 (i) Hotel or motel endorsement noncompliance is a violation.

4 **Sec. 04.09.440. Large resort endorsement.** (a) A large resort endorsement  
5 authorizes the holder of a beverage dispensary license or a beverage dispensary  
6 tourism license that is a large resort to sell or serve alcoholic beverages from multiple  
7 locations on the resort property including in the dining room, banquet room, and other  
8 public areas approved by the board, and in guest rooms, regardless of whether the  
9 locations are in the same building or under the same roof.

10 (b) The biennial fee for a large resort endorsement is \$200.

11 (c) The holder of a large resort endorsement shall apply for a multiple fixed  
12 counter endorsement under AS 04.09.420 to sell or serve alcoholic beverages from  
13 multiple locations within the large resort's property. The locations do not need to be  
14 located in the same building or on the same parcel, but must be within the boundary of  
15 the large resort, as that term is defined in (h) of this section.

16 (d) The holder of a large resort endorsement may sell or serve alcoholic  
17 beverages only from locations on the site of the large resort.

18 (e) For federal income tax purposes, the profit and loss from the licensed  
19 business conducted at locations on the resort under a large resort endorsement, other  
20 than guest rooms, must be combined or consolidated with the profit and loss from the  
21 licensed business conducted under the multiple fixed counter endorsement.

22 (f) The holder of a large resort endorsement shall exercise control over  
23 conduct of the business in all areas of the licensed premises.

24 (g) A holder of a beverage dispensary license with a large resort endorsement  
25 may stock alcoholic beverages in guest rooms, for sale and consumption only in the  
26 guest room. Alcoholic beverages stocked under this subsection must be stocked by an  
27 employee who is 21 years of age or older, may not be supplied or resupplied during  
28 hours that the sale of alcoholic beverages is prohibited as provided under  
29 AS 04.16.010(a) and (d), and must be stored in a unit using a key or combination lock  
30 system within the guest room. A key lock system must be designed to prevent the  
31 removal of the key unless the unit is locked. Except for the licensee, or an agent or

1 employee of the licensee, a key or combination enabling a person to obtain alcoholic  
 2 beverages stocked in a guest room may be provided only to a guest who occupies the  
 3 room and who is 21 years of age or older.

4 (h) In this section, "large resort" means a resort that offers both outdoor  
 5 recreational activities and overnight lodging to the public and is located on a site  
 6 consisting of at least 10 contiguous acres containing one or more parcels of real  
 7 property owned by the licensee, leased by the licensee, or a combination of parcels  
 8 owned by the licensee and leased by the licensee.

9 (i) The holder of a beverage dispensary license or a beverage dispensary  
 10 tourism license who engages in activity under this section without an endorsement  
 11 under this section commits the offense of unendorsed large resort service.

12 (j) The holder of a large resort endorsement who fails to comply with the  
 13 requirements of (c) - (g) of this section commits the offense of large resort  
 14 endorsement noncompliance.

15 (k) Unendorsed large resort service is a violation and is punishable by a fine of  
 16 \$500.

17 (l) Large resort endorsement noncompliance is a violation.

18 **Sec. 04.09.450. Restaurant endorsement.** (a) A restaurant endorsement  
 19 authorizes the holder of a restaurant or eating place license, beverage dispensary  
 20 license, golf course license, sporting event license, club license, outdoor recreation  
 21 lodge license, destination resort license, beverage dispensary tourism license, or  
 22 seasonal restaurant or eating place tourism license to allow a person

23 (1) under 21 years of age access as provided in (e) of this section to the  
 24 premises of a bona fide restaurant on the licensed premises; and

25 (2) to enter or remain on the licensed premises to consume food or  
 26 nonalcoholic beverages as authorized under AS 04.16.010(c)(5).

27 (b) The biennial fee for a restaurant endorsement is \$200.

28 (c) An application for a restaurant endorsement must specify the establishment  
 29 or portion of the establishment that constitutes a bona fide restaurant.

30 (d) The board may issue an endorsement under this section only if the board  
 31 finds

1 (1) that the establishment or portion of the establishment for which the  
2 endorsement is requested is a bona fide restaurant;

3 (2) there is supervision on the premises adequate to reasonably ensure  
4 that a person under 21 years of age will not obtain alcoholic beverages; and

5 (3) that it is unlikely that persons under 21 years of age not employed  
6 on the premises will enter and remain on the premises of the bona fide restaurant for  
7 purposes other than dining.

8 (e) The board may authorize the holder of a license with a restaurant  
9 endorsement

10 (1) to allow a person who is at least 16 years of age but under 21 years  
11 of age to enter and remain on the licensed premises for dining only;

12 (2) to allow a person who is under 16 years of age to enter and remain  
13 on the licensed premises for dining only if

14 (A) the person is accompanied by a person who is 21 years of  
15 age or older; and

16 (B) the parent or guardian of the person consents to the person  
17 being on the licensed premises; and

18 (3) subject to AS 04.16.049, to employ or permit the employment of a  
19 person who is at least 16 years of age but under 21 years of age on the premises of the  
20 bona fide restaurant if the employer provides adequate supervision to ensure that the  
21 person does not obtain alcoholic beverages.

22 (f) The holder of a license who engages in activity under this section without  
23 an endorsement under this section commits the offense of unendorsed restaurant  
24 service.

25 (g) The holder of a restaurant endorsement who engages in activity not  
26 authorized by the board under (e) of this section or fails to comply with the  
27 requirements of (e) of this section commits the offense of restaurant endorsement  
28 noncompliance.

29 (h) Unendorsed restaurant service is a violation and is punishable by a fine of  
30 \$500.

31 (i) Restaurant endorsement noncompliance is a violation.

1           **Sec. 04.09.460. Package store shipping endorsement.** (a) A package store  
2 shipping endorsement authorizes the holder of a package store license to sell alcoholic  
3 beverages to a person who makes an order to that licensee for shipment.

4           (b) The biennial fee for a package store shipping endorsement is \$200.

5           (c) An endorsement holder may ship alcoholic beverages only to the purchaser  
6 and may ship alcoholic beverages only in response to an order. The endorsement  
7 holder may not, in response to an order, ship alcohol to a purchaser at an address other  
8 than the address where the purchaser resides or, if the purchaser resides in a  
9 municipality or established village that has adopted a local option under  
10 AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) for which a community delivery site has  
11 been designated under AS 04.11.491(f), to an address other than that community  
12 delivery site except as provided by AS 04.11.491(f)(1) and (2).

13           (d) An endorsement holder shall provide written or electronic information on  
14 fetal alcohol syndrome and fetal alcohol effects resulting from a woman's  
15 consumption of alcohol during pregnancy to the purchaser in response to an order.

16           (e) If a shipment is to an area that has restricted the sale of alcoholic beverages  
17 under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), an endorsement holder may not  
18 ship to a purchaser more than 10.5 liters of distilled spirits or 24 liters or more of wine,  
19 or either a half-barrel keg of brewed beverages or 15.5 gallons or more of brewed  
20 beverages in individual containers in a calendar month, or a lower amount of distilled  
21 spirits, wine, or brewed beverages if the municipality or established village has  
22 adopted the lower amount by local option under AS 04.11.491(g). Before shipping  
23 alcohol to a purchaser in a restricted area, an endorsement holder shall consult the  
24 database maintained by the board under AS 04.06.095 for any alcoholic beverage  
25 shipments made to the purchaser during that calendar month by a package store. An  
26 endorsement holder may not ship an amount of alcoholic beverages to a purchaser in a  
27 restricted area that, when added to the amount already shipped, exceeds the amount  
28 authorized by this subsection. An endorsement holder shall immediately enter into the  
29 database the date and the amount of alcoholic beverages shipped to the purchaser.

30           (f) An endorsement holder may not divide or combine shipments of alcoholic  
31 beverages so as to circumvent the limitation imposed under (e) of this section.

1 (g) In this section, "endorsement holder" means the holder of a package store  
 2 license with a package store shipping endorsement, and an agent or employee of the  
 3 holder of a package store license with a package store shipping endorsement.

4 (h) The holder of a package store license who ships alcoholic beverages  
 5 without an endorsement under this section commits the offense of unendorsed package  
 6 store shipping.

7 (i) The holder of a package store shipping endorsement who fails to comply  
 8 with the requirements of (c) - (f) of this section commits the offense of package store  
 9 shipping endorsement noncompliance.

10 (j) Unendorsed package store shipping is a violation and is punishable by a  
 11 fine of \$500.

12 (k) Package store shipping endorsement noncompliance is a violation.

13 **Sec. 04.09.470. Package store delivery endorsement.** (a) A package store  
 14 delivery endorsement authorizes the holder of a package store license to deliver  
 15 alcoholic beverages to the location of a social event as set out in this section. For  
 16 purposes of this subsection, the board shall define by regulation the term "social  
 17 event."

18 (b) The biennial fee for a package store delivery endorsement is \$200.

19 (c) The holder of a package store delivery endorsement may deliver alcoholic  
 20 beverages only in response to an order. The board shall adopt regulations specifying  
 21 the occasions for which delivery of alcoholic beverages is allowed and the manner of  
 22 delivery by the licensee.

23 (d) The holder of a package store delivery endorsement may deliver alcoholic  
 24 beverages only to a responsible adult at the delivery location specified on the order.  
 25 The responsible adult shall provide identification and acceptable proof of age under  
 26 AS 04.21.050 and acknowledge in writing receipt of the alcoholic beverages.

27 (e) The holder of a package store license who delivers alcoholic beverages  
 28 without an endorsement under this section commits the offense of unendorsed package  
 29 store delivery.

30 (f) The holder of a package store delivery endorsement who fails to comply  
 31 with the requirements of (c) and (d) of this section commits the offense of package

1 store delivery endorsement noncompliance.

2 (g) Unendorsed package store delivery is a violation and is punishable by a  
3 fine of \$500.

4 (h) Package store delivery endorsement noncompliance is a violation.

5 **Sec. 04.09.480. Package store repackaging endorsement.** (a) A package  
6 store repackaging endorsement authorizes the holder of a package store license to  
7 subdivide and sell alcoholic beverages from original packages with federally  
8 compliant labels to smaller containers with the standard federal government warnings  
9 and the product name.

10 (b) The biennial fee for a package store repackaging endorsement is \$200.

11 (c) A package store licensee with a package store repackaging endorsement  
12 may

13 (1) subdivide alcoholic beverages

14 (A) for sale on the licensed premises by opening the original  
15 package for the purpose of subdividing the contents into smaller packages; or

16 (B) in response to a purchase request from a person who is on  
17 the licensed premises or purchase order submitted in accordance with  
18 AS 04.09.470(c);

19 (2) permit an agent or employee to subdivide alcoholic beverages, but  
20 may not permit a customer or another person who is not an agent or employee of the  
21 licensee to subdivide alcoholic beverages.

22 (d) The holder of a package store license who repackages alcoholic beverages  
23 without an endorsement under this section commits the offense of unendorsed package  
24 store repackaging.

25 (e) The holder of a package store repackaging endorsement who fails to  
26 comply with the requirements of this section commits the offense of package store  
27 repackaging endorsement noncompliance.

28 (f) Unendorsed package store repackaging is a violation and is punishable by a  
29 fine of \$500.

30 (g) Package store repackaging endorsement noncompliance is a violation.

31 **Sec. 04.09.490. Package store sampling endorsement.** (a) A package store

1 sampling endorsement authorizes the holder of a package store license to offer for  
2 consumption on the licensed premises at no charge a small sample of an alcoholic  
3 beverage from its inventory during the package store's stated hours of business, but not  
4 between the hours of midnight and 8 a.m.

5 (b) The biennial fee for a package store sampling endorsement is \$200.

6 (c) Only the license holder or an agent or employee of the license holder may  
7 serve a sample.

8 (d) The holder of a package store sampling endorsement may serve a total  
9 volume of samples to a person on a licensed premises each day that does not exceed

10 (1) 12 ounces of beer or cider, if the cider contains less than 8.5  
11 percent alcohol by volume;

12 (2) six ounces of wine, mead, sake, or cider, if the cider contains 8.5  
13 percent or more alcohol by volume;

14 (3) 1.5 ounces of distilled spirits; or

15 (4) the alcoholic equivalent of (1), (2), or (3) of this subsection.

16 (e) The holder of a package store sampling endorsement may not publicly  
17 advertise, including through newsprint, radio, or television, sampling activities  
18 conducted under the endorsement. However, the holder of a package store sampling  
19 endorsement may notify existing customers of sampling activities, including by  
20 electronic means.

21 (f) A person who offers a sample of an alcoholic beverage for consumption on  
22 the licensed premises of a package store without an endorsement under this section  
23 commits the offense of unendorsed package store sampling.

24 (g) Unendorsed package store sampling is a violation and is punishable by a  
25 fine of \$500.

26 (h) The holder of a package store sampling endorsement who fails to comply  
27 with the requirements of (a) and (c) - (e) of this section commits the offense of failure  
28 to comply with the terms of a package store sampling endorsement.

29 (i) Failure to comply with the terms of a package store sampling endorsement  
30 is a violation.

31 **Sec. 04.09.500. Bowling alley endorsement.** (a) A bowling alley endorsement

1 authorizes the holder of a beverage dispensary license or a beverage dispensary  
2 tourism license to sell or serve alcoholic beverages in the concourse or lane areas of  
3 the bowling alley adjacent to the main bar area.

4 (b) The biennial fee for a bowling alley endorsement is \$200.

5 (c) The board may issue a bowling alley endorsement only if the concourse or  
6 lane areas of the bowling alley or both are

7 (1) designated as part of the licensed premises for the beverage  
8 dispensary license or a beverage dispensary tourism license; and

9 (2) adjacent to the main bar area.

10 (d) Notwithstanding AS 04.16.049, the board may, upon application, authorize  
11 access by persons under 21 years of age to the concourse or lane areas or both that are  
12 designated part of the licensed premises of the bowling alley during hours when no  
13 alcoholic beverages are being sold, served, or consumed.

14 (e) The periods during which persons under 21 years of age may be permitted  
15 access to the licensed premises must be clearly posted on the licensed premises.

16 (f) The holder of a beverage dispensary license or a beverage dispensary  
17 tourism license who sells or serves alcoholic beverages in the concourse or lane areas  
18 of a bowling alley without an endorsement under this section commits the offense of  
19 unendorsed bowling alley service.

20 (g) The holder of a bowling alley endorsement under this section who fails to  
21 comply with the requirements of (e) of this section or who permits access by a person  
22 under 21 years of age to the concourse or lane areas of the bowling alley during hours  
23 when alcoholic beverages are being served in the concourse or lane areas commits the  
24 offense of bowling alley endorsement noncompliance.

25 (h) Unendorsed bowling alley service is a violation and is punishable by a fine  
26 of \$500.

27 (i) Bowling alley endorsement noncompliance is a violation.

28 **Sec. 04.09.510. Golf course endorsement.** (a) A golf course endorsement  
29 authorizes the owner of a golf course who has obtained a beverage dispensary license  
30 or a beverage dispensary tourism license to sell or serve alcoholic beverages on the  
31 golf course, driving range, club house and other buildings located on the course, and a

1 vending cart carrying beverages or food to, from, or on the course, excluding the  
2 parking lot.

3 (b) The biennial fee for a golf course endorsement is \$200.

4 (c) An application for a golf course endorsement must include a drawing of  
5 the golf course with an annotated illustration and a description of the portions of the  
6 course that are licensed premises and that are intended to be covered by the  
7 endorsement.

8 (d) The holder of a beverage dispensary license or beverage dispensary  
9 tourism license who sells or serves alcoholic beverages on a golf course without an  
10 endorsement under this section commits the offense of unendorsed golf course service.

11 (e) The holder of a golf course endorsement who fails to comply with (a) of  
12 this section commits the offense of golf course endorsement noncompliance.

13 (f) Unendorsed golf course service is a violation and is punishable by a fine of  
14 \$500.

15 (g) Golf course endorsement noncompliance is a violation.

16 **Sec. 04.09.520. Brewery repackaging endorsement.** (a) A brewery  
17 repackaging endorsement authorizes the holder of a brewery manufacturer license who  
18 held a license to operate a brewpub under former AS 04.11.135 and was operating a  
19 brewpub on the day before the effective date of this section and who also holds,  
20 wholly or in part, a beverage dispensary license, beverage dispensary tourism license,  
21 restaurant or eating place license, or a seasonal restaurant or eating place tourism  
22 license to offer the holder's brewed beverages for sale for consumption off the licensed  
23 premises and to subdivide and sell the holder's brewed beverages from original  
24 packages with federally compliant labels to smaller containers with the standard  
25 federal government warnings and the product name.

26 (b) The biennial fee for a brewery repackaging endorsement is \$200.

27 (c) A brewery manufacturer licensee with a brewery repackaging endorsement  
28 (1) is authorized to sell, each day to a person on the licensed premises  
29 for consumption off the licensed premises, not more than

30 (A) 5.167 gallons of the holder's beer; or

31 (B) nine liters of sake;

1 (2) may permit an agent or employee to subdivide the holder's brewed  
 2 beverages, but may not permit a customer or another person who is not an agent or  
 3 employee of the licensee to subdivide the holder's brewed beverages.

4 (d) The holder of a brewery manufacturer license who repackages brewed  
 5 beverages without an endorsement under this section or a brewery retail license under  
 6 AS 04.09.310 commits the offense of unendorsed brewery repackaging.

7 (e) In this section, "licensed premises" means a premises licensed under a  
 8 beverage dispensary license, beverage dispensary tourism license, restaurant or eating  
 9 place license, or a seasonal restaurant or eating place tourism license that is controlled  
 10 by a brewery manufacturer licensee.

11 (f) The holder of a brewery repackaging endorsement who fails to comply  
 12 with the requirements of this section commits the offense of brewery repackaging  
 13 endorsement noncompliance.

14 (g) Unendorsed brewery repackaging is a violation, punishable by a fine of  
 15 \$500.

16 (h) Brewery repackaging endorsement noncompliance is a violation.

#### 17 **Article 6. Permits.**

18 **Sec. 04.09.600. Types of permits.** (a) A permit allows catering and serving  
 19 activities for a specific time period on a single specified premises and allows an  
 20 eligible nonprofit organization to host a fundraising or not-for-profit event.

21 (b) The director may issue only the permits authorized in AS 04.09.600 -  
 22 04.09.690. An application for a permit must be received by the director not less than  
 23 three business days before the first day of the event. Except for a conditional  
 24 contractor's permit issued under AS 04.09.690, the director shall require every person  
 25 who will serve or sell alcohol or check identification of a patron during a permitted  
 26 event to complete an alcohol server education course under AS 04.21.025 before the  
 27 first day of the permitted event.

28 (c) An applicant for a permit must follow the application requirements set out  
 29 in AS 04.11.260.

30 (d) A permit, other than an inventory resale permit under AS 04.09.680 and a  
 31 conditional contractor's permit under AS 04.09.690, is valid only on the premises, for

1 the event, and for the period specified.

2 (e) The holder of an approved permit may submit a written request for  
3 amendment of the approved permit to change the event date, site, designated area, or  
4 designated time. The holder of the approved permit shall submit the request to the  
5 director not later than three business days before the event and shall include approval  
6 of the law enforcement agency having jurisdiction over the site of the event for which  
7 the amended permit is sought.

8 (f) The holder of an approved permit shall ensure that the individuals serving  
9 alcohol have completed alcohol server training as required under AS 04.21.025 before  
10 the first day of the permitted event.

11 (g) A permit may not be transferred to another person or another location and,  
12 except for a conditional contractor's permit under AS 04.09.690, may not be renewed.

13 (h) Except as otherwise provided in AS 04.09.680 for an inventory resale  
14 permit and AS 04.09.690 for a conditional contractor's permit, the fee for a permit  
15 shall be set by the board in regulation. The fee must be at least \$50 for each day of the  
16 event.

17 (i) The director shall approve or deny a permit application. If the director  
18 denies a permit application, the applicant may appeal to the board.

19 **Sec. 04.09.610. Beverage dispensary caterer's permit.** A beverage  
20 dispensary caterer's permit authorizes the holder of a beverage dispensary license or  
21 beverage dispensary tourism license to sell or dispense alcoholic beverages at  
22 conventions, picnics, sporting events, concerts, street festivals, or similar affairs held  
23 off the holder's licensed premises for which a beverage dispensary license or beverage  
24 dispensary tourism license would not otherwise be required. The permit may be issued  
25 only for designated premises for a specific occasion and for a limited period.

26 **Sec. 04.09.620. Restaurant caterer's dining permit.** (a) A restaurant caterer's  
27 dining permit authorizes the holder of a restaurant or eating place license or a seasonal  
28 restaurant or eating place tourism license to sell brewed beverages and wine before  
29 and during the service of food provided by the licensee at a single dining event held  
30 off the holder's licensed premises.

31 (b) The director may issue a restaurant caterer's dining permit only for

1 designated premises, for a specific occasion, and for a limited period.

2 (c) The licensee shall provide food in conjunction with the service of brewed  
3 beverages and wine under a restaurant caterer's dining permit. The licensee shall  
4 comply with the requirements for gross receipts from food sales for a restaurant or  
5 eating place license under AS 04.09.210(d) or a seasonal restaurant or eating place  
6 tourism license under AS 04.09.350(f).

7 **Sec. 04.09.630. Club caterer's permit.** (a) A club caterer's permit authorizes  
8 the holder of a club license to sell or dispense alcoholic beverages at an event held off  
9 the club's licensed premises.

10 (b) The application for a club caterer's permit filed under AS 04.11.260 must  
11 be signed by two officers of the organization.

12 (c) A restriction or prohibition under AS 04.09.220 regarding a club member  
13 or a guest of a club member applies at the premises covered by the permit.

14 (d) The director may not issue more than three club caterer's permits to the  
15 holder of a club license in a calendar year.

16 **Sec. 04.09.640. Art exhibit event permit.** (a) An art exhibit event permit  
17 authorizes the holder of a beverage dispensary license, a beverage dispensary tourism  
18 license, a restaurant or eating place license, or a seasonal restaurant or eating place  
19 tourism license to sell and serve brewed beverages and wine for consumption at a  
20 specific art exhibit event.

21 (b) The director may issue an art exhibit event permit only for a specific art  
22 exhibit event at premises designated in the application for a limited period specified in  
23 the application.

24 (c) The director may not grant more than 12 art exhibit event permits to a  
25 licensee in a calendar year.

26 (d) An art exhibit event permit may not be exercised during an event that is  
27 expected to attract attendees under 21 years of age.

28 (e) Food must be provided in conjunction with the service of brewed  
29 beverages and wine under an art exhibit event permit.

30 **Sec. 04.09.650. Nonprofit organization event permit.** (a) A nonprofit  
31 organization event permit authorizes the holder to sell or dispense brewed beverages

1 or wine for consumption at an event organized by the nonprofit organization.

2 (b) Only a nonprofit organization, such as a fraternal, civic, professional, or  
3 patriotic organization, that is incorporated under AS 10.20 and has been active for a  
4 period of at least two years before filing an application is eligible for a nonprofit  
5 organization event permit.

6 (c) The application for a nonprofit organization event permit filed under  
7 AS 04.11.260 must be signed by two officers of the organization. The nonprofit  
8 organization shall submit, together with the application,

9 (1) either a signed copy of a resolution adopted by the board of  
10 directors or a copy of the minutes from a board meeting of the nonprofit organization  
11 authorizing the application; and

12 (2) a sworn affidavit showing the length of time the organization has  
13 been in existence.

14 (d) The director may not issue more than five nonprofit organization event  
15 permits to a nonprofit organization, including an auxiliary of the organization, in a  
16 calendar year. A nonprofit organization event permit may only be issued for  
17 designated premises for a specific occasion and for a limited period of time as  
18 specified in the application.

19 (e) The nonprofit organization shall ensure that all profits derived from the  
20 sale of brewed beverages or wine under a nonprofit organization event permit are paid  
21 to the organization that holds the permit and not to an individual.

22 **Sec. 04.09.660. Alcoholic beverage auction permit.** (a) An alcoholic  
23 beverage auction permit authorizes the holder to sell alcoholic beverages by outcry or  
24 silent auction. An alcoholic beverage auction permit is sufficient to authorize a  
25 nonprofit organization under (b) of this section to sell alcoholic beverages by outcry or  
26 silent auction, and no other permit or license is required. An alcoholic beverage  
27 auction permit may be operated on the licensed premises of a beverage dispensary  
28 license, beverage dispensary tourism license, club license, restaurant or eating place  
29 license, or seasonal restaurant or eating place license.

30 (b) Only a nonprofit organization, such as a fraternal, civic, professional, or  
31 patriotic organization, that is incorporated under AS 10.20 and has been active for a

1 period of at least two years before filing an application is eligible for an alcoholic  
2 beverage auction permit.

3 (c) The application for an alcoholic beverage auction permit filed under  
4 AS 04.11.260 must be signed by two officers of the organization. The nonprofit  
5 organization shall submit, together with the application,

6 (1) either a signed copy of a resolution adopted by the board of  
7 directors or a copy of the minutes of a board meeting of the nonprofit organization  
8 authorizing the application; and

9 (2) a sworn affidavit showing the length of time the organization has  
10 been in existence.

11 (d) The director may not issue more than five alcoholic beverage auction  
12 permits to a nonprofit organization, including an auxiliary of the organization, in a  
13 calendar year. The director may issue a permit only for designated premises for a  
14 specific event and for a limited period as specified in the application.

15 (e) The nonprofit organization shall ensure that all profits derived from the  
16 sale of brewed beverages or wine under an alcoholic beverage auction permit are paid  
17 to the organization that holds the permit and not to an individual.

18 (f) The nonprofit organization may not permit consumption at the auction site  
19 of the alcoholic beverages being auctioned under a nonprofit organization alcoholic  
20 beverage auction permit.

21 **Sec. 04.09.670. Tasting event permit.** (a) A tasting event permit authorizes  
22 the holder of a beverage dispensary license or a beverage dispensary tourism license to  
23 sell or dispense alcoholic beverages at a tasting event held in partnership with the  
24 holder of a package store license, brewery retail license, winery retail license, or  
25 distillery retail license.

26 (b) A tasting event must be for the purpose of promoting products available  
27 for purchase from the partnering package store licensee, brewery retail licensee,  
28 winery retail licensee, or distillery retail licensee; only products produced or sold by  
29 the partnering licensee may be sold or dispensed at the event.

30 (c) Only the holder of a beverage dispensary license or a beverage dispensary  
31 tourism license may apply for a tasting event permit under this section. An application

1 for a tasting event permit must list both the beverage dispensary licensee or beverage  
 2 dispensary tourism licensee and the partnering licensee, and specify the designated  
 3 premises for the event. The tasting event must be held in the same municipality or  
 4 organized village in which the licensed premises of the partnering licensee are located.

5 (d) The director may not issue more than six permits in a calendar year to a  
 6 beverage dispensary licensee or a beverage dispensary tourism licensee for tasting  
 7 events with a particular partnering licensee; however, there is no limit on the number  
 8 of different partnering licensees with whom a beverage dispensary licensee may  
 9 partner for different events. If a person holds two or more qualifying partnering  
 10 licenses, then the director shall treat each license as separate and distinct when  
 11 applying the limitation under this subsection, regardless of how many other licenses  
 12 the person holds, wholly or in part.

13 (e) The director may not issue a tasting event permit for a period that

14 (1) is longer than four hours;

15 (2) lasts beyond 9:00 p.m.

16 (f) Food must be provided in conjunction with the service of alcoholic  
 17 beverages under a tasting event permit.

18 (g) In this section, "partnering licensee" means the holder of a package store  
 19 license, brewery retail license, winery retail license, or distillery retail license who has  
 20 partnered with the holder of a beverage dispensary license or a beverage dispensary  
 21 tourism license to host a tasting event permitted by this section.

22 **Sec. 04.09.680. Inventory resale permit.** (a) An inventory resale permit  
 23 authorizes the holder to sell the remaining inventory of alcoholic beverages of a  
 24 business when the owner of the business no longer has a valid license under this title.

25 (b) The fee for an inventory resale permit is \$100.

26 (c) The holder of an inventory resale permit may sell the remaining alcoholic  
 27 beverage inventory only to the holder of a valid license under this chapter.

28 (d) The director may issue an inventory resale permit for a period ending 90  
 29 days after the date of expiration or forfeiture of the license. The director may not issue  
 30 a permit if the license was suspended or revoked.

31 **Sec. 04.09.690. Conditional contractor's permit.** (a) A conditional

1 contractor's permit authorizes the holder to sell brewed beverages or wine for  
 2 consumption only on designated premises for the designated period of the permit  
 3 under AS 04.11.680 at construction sites that are located outside a city and inside the  
 4 boundaries of a military or naval reservation.

5 (b) The biennial conditional contractor's permit fee is \$1,200.

6 (c) An applicant for a conditional contractor's permit must obtain and file with  
 7 the board written permission from the commanding officer of the military or naval  
 8 reservation and the prime contractor of the remotely situated project for the conduct of  
 9 the activities authorized by the permit. A conditional contractor's permit may be  
 10 renewed biennially upon reapplication for a permit and may be revoked or suspended  
 11 at the discretion of the commanding officer or the prime contractor.

12 (d) A conditional contractor's permit may not be transferred and is not valid  
 13 after the completion of the holder's contract or the closing of the military or naval  
 14 reservation.

15 **Sec. 04.09.700. Failure to comply with a permit requirement.** (a) A person  
 16 who engages in activity that requires a permit under AS 04.09.600 - 04.09.690 without  
 17 having a permit and a person who violates the terms of a permit issued under  
 18 AS 04.09.600 - 04.09.690 commits the offense of failure to comply with a permit  
 19 requirement.

20 (b) Except as provided in (c) of this section, failure to comply with a permit  
 21 requirement is a violation punishable under AS 04.21.072.

22 (c) Failure to comply with a permit requirement of an inventory resale permit  
 23 under AS 04.09.680 or a conditional contractor's permit under AS 04.09.690 is  
 24 punishable by a fine of \$500.

25 \* **Sec. 10.** AS 04.11.010(a) is amended to read:

26 (a) A [EXCEPT AS PROVIDED IN AS 04.11.020, A] person may not  
 27 knowingly [MANUFACTURE, SELL, OFFER FOR SALE,] possess for [SALE OR]  
 28 barter, traffic in, or barter an alcoholic beverage unless under license or permit issued  
 29 under this title.

30 \* **Sec. 11.** AS 04.11.010(b) is amended to read:

31 (b) Except as provided in this subsection, a person may not solicit or receive

orders for the delivery of an alcoholic beverage in an area that has adopted a local option under AS 04.11.491. If the area has adopted a local option under AS 04.11.491(a)(1), (2), or (3), or (b)(1) or (2), a package store licensee outside of that local option area may receive orders as provided under **a package store shipping endorsement under AS 04.09.460** [AS 04.11.150] but may not solicit in that area or receive orders through an agent or employee in that area. This subsection does not apply to a package store licensee who operates a package store in an area that has adopted a local option under AS 04.11.491(a)(2)(C) or (3)(C) or (b)(2)(C). A person who violates this subsection is punishable upon conviction as provided under AS 04.16.200(a) or (b).

\* **Sec. 12.** AS 04.11.010(c) is amended to read:

(c) Unless a municipality or established village has adopted a more restrictive local option under AS 04.11.491(g), in a criminal prosecution for possession of alcoholic beverages for **barter or** sale in violation of (a) of this section, **AS 04.09.060, 04.09.070, 04.09.140, 04.09.145, 04.09.370, or 04.09.380**, the fact that a person

(1) possessed more than 10 1/2 liters of distilled spirits or 24 liters or more of wine, or either a **half-barrel keg** [HALF-KEG] of **brewed** [MALT] beverages or **15.5** [12] gallons or more of **brewed** [MALT] beverages in individual containers in an area where the sale of alcoholic beverages is restricted or prohibited under AS 04.11.491 creates a presumption that the person possessed the alcoholic beverages for **barter or** sale;

(2) sends, transports, or brings more than 10 1/2 liters of distilled spirits or 24 liters or more of wine, or either a **half-barrel keg** [HALF-KEG] of **brewed** [MALT] beverages or **15.5** [12] gallons or more of **brewed** [MALT] beverages in individual containers to an area where the sale of alcoholic beverages is restricted or prohibited under AS 04.11.491 creates a presumption that the person sent, transported, or brought the alcoholic beverages for **barter or** sale in the area.

\* **Sec. 13.** AS 04.11.015 is amended to read:

**Sec. 04.11.015. Purchase from nonlicensee prohibited.** (a) A person may not purchase **or barter for** alcoholic beverages from a person who is not a licensee, permittee, or an agent or employee of a licensee or permittee.

1 (b) A person who violates **(a) of** this section is guilty of a violation.

2 \* **Sec. 14.** AS 04.11.040 is amended by adding new subsections to read:

3 (d) A person who transfers a license or permit or a controlling interest in a  
4 license or permit in violation of this section commits the offense of unauthorized  
5 transfer of an alcoholic beverage license or permit.

6 (e) Unauthorized transfer of an alcoholic beverage license or permit is a  
7 violation.

8 \* **Sec. 15.** AS 04.11.045 is amended by adding new subsections to read:

9 (c) A limited liability organization that fails to report as required under (a) of  
10 this section commits the offense of failure to report a change in member interest or  
11 manager.

12 (d) Failure to report a change in member interest or manager is a violation.

13 \* **Sec. 16.** AS 04.11.050 is amended by adding new subsections to read:

14 (d) A corporation that fails to report as required under (a) of this section, other  
15 than a corporation described in (c) of this section, commits the offense of failure to  
16 report a stock transfer or change of officers or board members.

17 (e) Failure to report a stock transfer or change of officers or board members is  
18 a violation.

19 \* **Sec. 17.** AS 04.11.055 is amended by adding new subsections to read:

20 (c) A partnership that fails to report as required under (a) of this section  
21 commits the offense of failure to report a transfer of partnership interest or change of  
22 general partner.

23 (d) Failure to report a transfer of partnership interest or change of general  
24 partner is a violation.

25 \* **Sec. 18.** AS 04.11.060 is amended to read:

26 **Sec. 04.11.060. Nonresident distiller, brewer, winery, or wholesaler.** A  
27 distiller, brewer, winery, or wholesaler whose plant or principal place of business is  
28 outside the state may not sell products directly to licensees in the state without

29 (1) obtaining a general wholesale license under **AS 04.09.100**  
30 [AS 04.11.160(a)] for each wholesale distributing point in the state;

31 (2) appointing an agent upon whom process can be served; and

1 (3) obtaining other applicable licenses under the provisions of this title.

2 \* **Sec. 19.** AS 04.11.060 is amended by adding a new subsection to read:

3 (b) A person who violates (a) of this section is guilty of a class A  
4 misdemeanor.

5 \* **Sec. 20.** AS 04.11.260 is amended to read:

6 **Sec. 04.11.260. Application for new license, endorsement, or permit.** (a) An  
7 applicant for a new license, endorsement, or permit shall file with the director a  
8 written application, signed and sworn to by the applicant, giving the applicant's name,  
9 mailing address, telephone number, and electronic mail address. If the applicant is  
10 a corporation, the application shall be executed by an [THE] authorized officer  
11 [OFFICERS] of the corporation. If the applicant is a partnership, including a limited  
12 partnership, the application shall be executed by an authorized general partner. The  
13 application must include

14 (1) the type of license, endorsement, or permit desired;

15 (2) a description of the premises for which the license, endorsement,  
16 or permit is desired, giving the address by street and number, or other information, so  
17 that the location of the premises can be definitely determined;

18 (3) an annotated illustration of the premises designating the areas  
19 for manufacture, storage, service, and consumption of alcoholic beverages and,  
20 for a license application, the area for warehousing of the alcoholic beverages;

21 (4) the license, endorsement, or permit fee, and, for a multiple fixed  
22 counter endorsement, the application fee for each counter;

23 (5) [(4)] the duration of the license, endorsement, or permit desired,  
24 including, for a permit, a statement of the event dates and the specific hours of  
25 intended operation;

26 (6) [(5)] any other information required by the board.

27 (b) A corporation applying for a license or conditional contractor's permit  
28 under AS 04.09.690 shall provide the names and addresses of the president, vice-  
29 president, secretary, managing officer, and all stockholders who own 10 percent or  
30 more of the stock in the corporation, together with any other information required by  
31 the board.

1 (c) An applicant for a new license or permit must include with the application  
 2 (1) proof that notice required by AS 04.11.310, if any, has been given;  
 3 (2) any petitions required to be secured under AS 04.11.460 before a  
 4 license may be issued;  
 5 (3) evidence of any approval by public authorities required to be  
 6 obtained [UNDER AS 04.11.090(e), 04.11.220(c), 04.11.230(b), 04.11.240(b), OR  
 7 04.11.250(b),] before a license or permit may be issued, including

8 (A) written approval under AS 04.09.240 from the  
 9 governing body of a college or university for a pub license;

10 (B) approval under AS 04.11.365 for a restaurant or eating  
 11 place license in a multi-unit residential housing development owned or  
 12 financed by the Alaska Housing Finance Corporation;

13 (C) permission from the commanding officer and the prime  
 14 contractor for a conditional contractor's permit under AS 04.09.690;

15 (D) for a permit other than a conditional contractor's  
 16 permit, approval of the law enforcement agency having jurisdiction over  
 17 the site of the event for which the permit is sought.

18 (d) A partnership, including a limited partnership, that applies for a license or  
 19 conditional contractor's permit under AS 04.09.690 shall provide information  
 20 required by the board including the names and addresses of all general partners and all  
 21 partners with an interest of 10 percent or more.

22 (e) A limited liability organization that applies for a license or conditional  
 23 contractor's permit under AS 04.09.690 shall provide information required by the  
 24 board, including the names and addresses of all members with an ownership interest of  
 25 10 percent or more and the names and addresses of all managers.

26 \* **Sec. 21.** AS 04.11.260 is amended by adding a new subsection to read:

27 (f) This section does not apply to a winery direct shipment license issued  
 28 under AS 04.09.360.

29 \* **Sec. 22.** AS 04.11.270 is amended to read:

30 **Sec. 04.11.270. Application for renewal of license, license with**  
 31 **endorsement, or conditional contractor's permit.** (a) An application for renewal of

1 a license, license with endorsement, or [RENEWAL OF A] conditional contractor's  
2 permit under AS 04.09.690 must include

3 (1) the information required for a new license, license with  
4 endorsement, or permit under AS 04.11.260 except that proof of notice under  
5 AS 04.11.310 is not required; and

6 (2) a list of all convictions of the applicant of violations of this title, a  
7 regulation adopted under this title, or an ordinance adopted under AS 04.21.010, that  
8 occurred in the preceding two calendar years.

9 (b) A license, license with endorsement, or permit shall be renewed as  
10 follows:

11 (1) on or before November 1, the director shall mail a renewal  
12 application to each licensee whose license, license with endorsement, or permit,  
13 unless renewed, will expire on December 31 of that year; the application shall be  
14 mailed to the licensee or permittee [AT THE LICENSED PREMISES OR] at a  
15 mailing address or electronic mail address furnished by the licensee or permittee;

16 (2) the licensee or permittee shall submit the completed renewal  
17 application and the biennial [LICENSE] fee to the director before January 1;

18 (3) a renewal application filed after December 31 is delinquent and  
19 must be accompanied by a \$500 penalty fee;

20 (4) if December 31 falls on a weekend or a state holiday, the deadline  
21 is extended to the first business day following December 31.

22 \* **Sec. 23.** AS 04.11.270 is amended by adding a new subsection to read:

23 (c) This section does not apply to a winery direct shipment license issued  
24 under AS 04.09.360.

25 \* **Sec. 24.** AS 04.11.280 is amended to read:

26 **Sec. 04.11.280. Application for transfer of a license to another person.** (a)  
27 An application for transfer of a license or a license with one or more endorsements  
28 to another person must contain the same information about the transferee as is required  
29 of an applicant for a new license or endorsement under AS 04.11.260 and must  
30 include other information required by the board.

31 (b) An application for the transfer of a license or a license with one or more

1        **endorsements** to another person must be accompanied by a statement, under oath,  
 2        executed by the transferor, listing all debts of the business and all taxes due by the  
 3        business. The board shall promptly inform each listed creditor of the application and  
 4        the amount shown as owed to that creditor.

5        \* **Sec. 25.** AS 04.11.295(a) is amended to read:

6                (a) An applicant for the issuance or transfer of a license or **issuance of** a  
 7        conditional contractor's permit under this title shall submit to the board, with the  
 8        application, the applicant's fingerprints and the fees required by the Department of  
 9        Public Safety under AS 12.62.160 for criminal justice information and a national  
 10       criminal history record check. The board may require an applicant for renewal of a  
 11       license or a conditional contractor's permit under this title to submit fingerprints and  
 12       pay fees as required by this subsection. The board shall submit the fingerprints to the  
 13       Department of Public Safety to obtain a report of criminal justice information under  
 14       AS 12.62 and a national criminal history record check under AS 12.62.400. The  
 15       Department of Public Safety may submit the fingerprints to the Federal Bureau of  
 16       Investigation for a national criminal history record check. The board shall use the  
 17       information obtained under this section in its determination of an applicant's  
 18       qualification for issuance, transfer, or renewal of a license or **issuance or renewal of** a  
 19       conditional contractor's permit.

20       \* **Sec. 26.** AS 04.11.295(b)(1) is amended to read:

21                (1) "applicant" means all individuals whose names and addresses are  
 22        required to be provided with an application for a new license or **conditional**  
 23        **contractor's** permit under **AS 04.09.690** [AS 04.11.260];

24       \* **Sec. 27.** AS 04.11.310 is amended by adding a new subsection to read:

25                (c) This section does not apply to a winery direct shipment license issued  
 26        under AS 04.09.360.

27       \* **Sec. 28.** AS 04.11 is amended by adding a new section to article 3 to read:

28                **Sec. 04.11.315. False statement on application.** A person who knowingly  
 29        makes a false sworn statement that the person does not believe to be true on an  
 30        application under AS 04.11.260 - 04.11.310 commits the crime of perjury under  
 31        AS 11.56.200.

1 \* **Sec. 29.** AS 04.11.320(a) is amended to read:

2 (a) An application requesting issuance of a new license **or endorsement** shall  
3 be denied if

4 (1) the board finds, after review of all relevant information, that  
5 issuance of the license **or endorsement** would not be in the best interests of the  
6 public;

7 (2) issuance of the license is prohibited by AS 04.11.410, relating to  
8 location of premises near churches and schools;

9 (3) the application has not been completed in accordance with  
10 AS 04.11.260;

11 (4) issuance of the license **or endorsement** would violate the  
12 restrictions pertaining to the particular license **or endorsement** imposed under this  
13 title;

14 (5) issuance of the license is prohibited under this title as a result of an  
15 election conducted under AS 04.11.507;

16 (6) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,  
17 ownership and location of the license **or endorsement**, and the identity and financing  
18 of a licensee have not been met;

19 (7) issuance of the license is prohibited under AS 04.11.400(a) or  
20 prohibition of issuance of the license is found necessary under AS 04.11.400(b);

21 (8) the application contains false statements of material fact;

22 (9) the license is sought for the sale of alcoholic beverages in a first or  
23 second class city where there are no licensed premises at the time of application unless  
24 a majority of the voters have voted not to approve a local option to restrict or prohibit  
25 the sale of alcoholic beverages under AS 04.11.491, have voted to approve a local  
26 option to allow the type of premises under AS 04.11.491(a)(2) or (3), or have voted to  
27 remove a restriction or prohibition on the sale of alcoholic beverages under  
28 AS 04.11.495; or

29 (10) the license is sought for the sale of alcoholic beverages in an  
30 established village where there are no licensed premises at the time of application  
31 unless a majority of the voters have voted not to approve a local option to restrict or

1 prohibit the sale of alcoholic beverages under AS 04.11.491, have voted to approve a  
 2 local option to allow the type of premises under AS 04.11.491(b)(2), or have voted to  
 3 remove a restriction or prohibition on the sale of alcoholic beverages under  
 4 AS 04.11.495.

5 \* **Sec. 30.** AS 04.11.330(a) is amended to read:

6 (a) An application requesting renewal of a license shall be denied if

7 (1) the board finds, after review of all relevant information, that  
 8 renewal of the license would not be in the best interests of the public;

9 (2) the license has been revoked for any cause;

10 (3) the applicant has not operated the licensed premises for at least **240**  
 11 **hours** [30 EIGHT-HOUR DAYS] during each of the two preceding calendar years,  
 12 unless the board determines that the licensed premises are under construction or  
 13 cannot be operated through no fault of the applicant;

14 (4) the board finds that issuance of an existing license under  
 15 AS 04.11.400(d) has not encouraged tourist trade;

16 (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,  
 17 ownership of the license, and financing of the licensee have not been met;

18 (6) renewal of the license would violate the restrictions pertaining to  
 19 the particular license under this title or the license has been operated in violation of a  
 20 condition or restriction imposed by the board;

21 (7) renewal of the license is prohibited under this title as a result of an  
 22 election conducted under AS 04.11.507; **or**

23 (8) the application has not been completed in accordance with  
 24 AS 04.11.270 [; OR

25 (9) THE LICENSE WAS ISSUED UNDER AS 04.11.400(g), AND  
 26 THE BOARD FINDS THAT THE PUBLIC CONVENIENCE DOES NOT  
 27 REQUIRE RENEWAL].

28 \* **Sec. 31.** AS 04.11.330(a), as amended by sec. 30 of this Act, is amended to read:

29 (a) An application requesting renewal of a license **or endorsement** shall be  
 30 denied if

31 (1) the board finds, after review of all relevant information, that

1 renewal of the license **or endorsement** would not be in the best interests of the public;

2 (2) the license **or endorsement** has been revoked for any cause;

3 (3) the applicant has not operated the licensed premises for at least **240**  
 4 **hours** [30 EIGHT-HOUR DAYS] during each of the two preceding calendar years,  
 5 unless the board determines that the licensed premises are under construction or  
 6 cannot be operated through no fault of the applicant;

7 (4) the board finds that issuance of an existing **beverage dispensary**  
 8 **tourism** license under **AS 04.09.340 or seasonal restaurant or eating place tourism**  
 9 **license under AS 04.09.350** [AS 04.11.400(d)] has not encouraged tourist trade;

10 (5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,  
 11 ownership of the license, and financing of the licensee have not been met;

12 (6) renewal of the license **or endorsement** would violate the  
 13 restrictions pertaining to the particular license **or endorsement** under this title or the  
 14 license **or endorsement** has been operated in violation of a condition or restriction  
 15 imposed by the board;

16 (7) renewal of the license is prohibited under this title as a result of an  
 17 election conducted under AS 04.11.507; or

18 (8) the application has not been completed in accordance with  
 19 **AS 04.09.360 or** AS 04.11.270.

20 \* **Sec. 32.** AS 04.11.330(d) is amended to read:

21 (d) Notwithstanding (a)(3) of this section, a **common carrier dispensary**  
 22 **license issued under AS 04.09.260 or a sporting event** [RECREATIONAL SITE]  
 23 license issued under **AS 04.09.270** [AS 04.11.210] may be renewed if the license was  
 24 exercised at least once during each of the two preceding calendar years.

25 \* **Sec. 33.** AS 04.11.330 is amended by adding a new subsection to read:

26 (e) The requirements of (a)(3), (a)(5), and (a)(7) of this section do not apply to  
 27 a winery direct shipment license issued under AS 04.09.360.

28 \* **Sec. 34.** AS 04.11.340 is amended to read:

29 **Sec. 04.11.340. Denial of request for relocation.** An application requesting  
 30 approval for the relocation of licensed premises shall be denied if

31 (1) the board finds, after review of all relevant information, that

1 relocation of the license would not be in the best interests of the public;

2 (2) the relocation is prohibited under AS 04.11.400(a) or (b);

3 (3) the license would be relocated out of the established village,  
4 incorporated city, unified municipality, or population area established under  
5 AS 04.11.400(a) within which it is located;

6 (4) transfer of ownership is to be made concurrently with the  
7 relocation of the licensed premises and a ground for denial of the transfer of  
8 ownership under AS 04.11.360 is presented;

9 (5) the application has not been completed in accordance with  
10 AS 04.11.290;

11 (6) relocation of the license would result in violation of a local zoning  
12 law;

13 (7) relocation of the license would violate the restrictions pertaining to  
14 the particular license imposed by this title;

15 (8) relocation of the license is prohibited under this title as a result of  
16 an election conducted under AS 04.11.507; or

17 (9) the license was issued under AS 04.11.400(d) [, (e), OR (g)].

18 \* **Sec. 35.** AS 04.11.340, as amended by sec. 34 of this Act, is amended to read:

19 **Sec. 04.11.340. Denial of request for relocation.** An application requesting  
20 approval for the relocation of licensed premises shall be denied if

21 (1) the board finds, after review of all relevant information, that  
22 relocation of the license would not be in the best interests of the public;

23 (2) the relocation is prohibited under AS 04.11.400(a) or (b);

24 (3) the license would be relocated out of the established village,  
25 incorporated city, unified municipality, or population area established under  
26 AS 04.11.400(a) within which it is located **except as provided under**  
27 **AS 04.11.400(k)**;

28 (4) transfer of ownership is to be made concurrently with the  
29 relocation of the licensed premises and a ground for denial of the transfer of  
30 ownership under AS 04.11.360 is presented;

31 (5) the application has not been completed in accordance with

1 AS 04.11.290;

2 (6) relocation of the license would result in violation of a local zoning  
3 law;

4 (7) relocation of the license would violate the restrictions pertaining to  
5 the particular license imposed by this title; **or**

6 (8) relocation of the license is prohibited under this title as a result of  
7 an election conducted under AS 04.11.507 [; OR

8 (9) THE LICENSE WAS ISSUED UNDER AS 04.11.400(d)].

9 \* **Sec. 36.** AS 04.11.360 is amended to read:

10 **Sec. 04.11.360. Denial of transfer of a license to another person.** An  
11 application requesting approval of a transfer of a license to another person under this  
12 title shall be denied if

13 (1) the board finds, after review of all relevant information, that  
14 transfer of a license to another person would not be in the best interests of the public;

15 (2) the application has not been completed in accordance with  
16 AS 04.11.280;

17 (3) the application contains false statements of material fact;

18 (4) the transferor has not paid all debts or taxes arising from the  
19 conduct of the business licensed under this title unless

20 (A) the transferor gives security for the payment of the debts or  
21 taxes satisfactory to the creditor or taxing authority; or

22 (B) the transfer is under a promise given as collateral by the  
23 transferor to the transferee in the course of an earlier transfer of the license  
24 under which promise the transferor is obliged to transfer the license back to the  
25 transferee in the event of default in payment for property conveyed as part of  
26 the earlier transfer of the license;

27 (5) transfer of the license to another person would result in violation of  
28 the provisions of this title relating to identity of licensees and financing of licensees;

29 (6) transfer of the license to another person would violate the  
30 restrictions pertaining to the particular license under this title;

31 (7) transfer of the license to another person is prohibited under the

1 provisions of this title as a result of an election conducted under AS 04.11.507;

2 (8) the prospective transferee does not have the qualifications required  
3 under this title of an original applicant;

4 (9) the license was issued under AS 04.11.100(f) [OR 04.11.400(g)];  
5 however, this paragraph does not apply to a beverage dispensary license issued before  
6 June 6, 1985, under former AS 04.11.400(j) if the transfer does not involve a change  
7 in location; or

8 (10) the license was issued under AS 04.11.135, unless the transferor is  
9 also applying to transfer the beverage dispensary license required under AS 04.11.135  
10 to the same transferee.

11 \* **Sec. 37.** AS 04.11.360, as amended by sec. 36 of this Act, is amended to read:

12 **Sec. 04.11.360. Denial of transfer of a license to another person.** An  
13 application requesting approval of a transfer of a license to another person under this  
14 title shall be denied if

15 (1) the board finds, after review of all relevant information, that  
16 transfer of a license to another person would not be in the best interests of the public;

17 (2) the application has not been completed in accordance with  
18 AS 04.11.280;

19 (3) the application contains false statements of material fact;

20 (4) the transferor has not paid all debts or taxes arising from the  
21 conduct of the business licensed under this title unless

22 (A) the transferor gives security for the payment of the debts or  
23 taxes satisfactory to the creditor or taxing authority; or

24 (B) the transfer is under a promise given as collateral by the  
25 transferor to the transferee in the course of an earlier transfer of the license  
26 under which promise the transferor is obliged to transfer the license back to the  
27 transferee in the event of default in payment for property conveyed as part of  
28 the earlier transfer of the license;

29 (5) transfer of the license to another person would result in violation of  
30 the provisions of this title relating to identity of licensees and financing of licensees;

31 (6) transfer of the license to another person would violate the

1 restrictions pertaining to the particular license under this title;

2 (7) transfer of the license to another person is prohibited under the  
3 provisions of this title as a result of an election conducted under AS 04.11.507; **or**

4 (8) the prospective transferee does not have the qualifications required  
5 under this title of an original applicant;

6 [(9) THE LICENSE WAS ISSUED UNDER AS 04.11.100(f);  
7 HOWEVER, THIS PARAGRAPH DOES NOT APPLY TO A BEVERAGE  
8 DISPENSARY LICENSE ISSUED BEFORE JUNE 6, 1985, UNDER FORMER  
9 AS 04.11.400(j) IF THE TRANSFER DOES NOT INVOLVE A CHANGE IN  
10 LOCATION; OR

11 (10) THE LICENSE WAS ISSUED UNDER AS 04.11.135, UNLESS  
12 THE TRANSFEROR IS ALSO APPLYING TO TRANSFER THE BEVERAGE  
13 DISPENSARY LICENSE REQUIRED UNDER AS 04.11.135 TO THE SAME  
14 TRANSFEREE].

15 \* **Sec. 38.** AS 04.11.365 is amended to read:

16 **Sec. 04.11.365. Licensed premises in multi-unit residential housing**  
17 **developments owned or financed by the Alaska Housing Finance Corporation.**  
18 For premises located in a multi-unit residential housing development owned or  
19 financed by the Alaska Housing Finance Corporation, the board may issue a new  
20 license under AS 04.11.320, renew a license under AS 04.11.330, or approve a request  
21 for relocation under AS 04.11.340 if the Alaska Housing Finance Corporation  
22 authorizes the use under AS 18.56.230 and

23 [(1) THE LICENSE IS FOR A RESTAURANT OR EATING PLACE  
24 UNDER AS 04.11.100; OR

25 (2)] the premises are **covered by a restaurant endorsement**  
26 [DESIGNATED BY THE BOARD AS A RESTAURANT] under **AS 04.09.450**  
27 [AS 04.16.049].

28 \* **Sec. 39.** AS 04.11.370(a) is amended to read:

29 (a) A license, **endorsement**, or permit shall be suspended or revoked if the  
30 board finds

31 (1) misrepresentation of a material fact on an application made under

1 this title or a regulation adopted under this title;

2 (2) continuation of the manufacture, sale, or service of alcoholic  
3 beverages by the licensee or permittee would be contrary to the best interests of the  
4 public;

5 (3) failure on the part of the licensee to correct a defect that constitutes  
6 a violation of this title, a condition or restriction imposed by the board, a regulation  
7 adopted under this title, or other laws after receipt of notice issued by the board or its  
8 agent;

9 (4) conviction of a licensee of a violation of this title, a regulation  
10 adopted under this title, or an ordinance adopted under AS 04.21.010;

11 (5) conviction of an agent or employee of a licensee of a violation of  
12 this title, a regulation adopted under this title, or an ordinance adopted under  
13 AS 04.21.010, if the licensee is found by the board to have either knowingly allowed  
14 the violation or to have recklessly or with criminal negligence failed to act in  
15 accordance with the duty prescribed under AS 04.21.030 with the result that the agent  
16 or employee violates a law, regulation, or ordinance;

17 (6) failure of the licensee to comply with the public health, fire, or  
18 safety laws and regulations in the state;

19 (7) use of the licensed premises as a resort for illegal possessors or  
20 users of narcotics, prostitutes, or sex traffickers; in addition to any other legally  
21 competent evidence, the character of the premises may be proved by the general  
22 reputation of the premises in the community as a resort for illegal possessors or users  
23 of narcotics, prostitutes, or sex traffickers;

24 (8) occurrence of illegal gambling within the limits of the licensed  
25 premises;

26 (9) the licensee permitted a public offense involving moral turpitude to  
27 occur on the licensed premises;

28 (10) violation by a licensee of this title, a condition or restriction  
29 imposed by the board, a regulation adopted under this title, or an ordinance adopted  
30 under AS 04.21.010; or

31 (11) violation by an agent or employee of a licensee of a provision of

1 this title, a condition or restriction imposed by the board, a regulation adopted under  
 2 this title, or an ordinance adopted under AS 04.21.010, if the licensee is found by the  
 3 board to have either knowingly allowed the violation or to have recklessly or with  
 4 criminal negligence failed to act in accordance with the duty prescribed under  
 5 AS 04.21.030 with the result that the agent or employee violates the law, condition or  
 6 restriction, regulation, or ordinance.

7 \* **Sec. 40.** AS 04.11.395 is amended to read:

8 **Sec. 04.11.395. Conditions [BOARD IMPOSED CONDITIONS] or**  
 9 **restrictions imposed on a license, endorsement, or permit.** The board may, in the  
 10 best interests of the public, impose conditions or restrictions on a license,  
 11 **endorsement,** or permit issued under this chapter.

12 \* **Sec. 41.** AS 04.11.395 is amended by adding a new subsection to read:

13 (b) Except for a conditional contractor's permit issued under AS 04.09.690,  
 14 the director may, in the best interests of the public, impose conditions or restrictions  
 15 on a permit issued under this chapter.

16 \* **Sec. 42.** AS 04.11.400(a) is amended to read:

17 (a) Except as provided in (d) - (k) of this section **and AS 04.11.405,** a new  
 18 license may not be issued and the board may prohibit relocation of an existing license

19 (1) outside an established village, incorporated city, unified  
 20 municipality, or organized borough if, after the issuance or relocation, there would be  
 21 (A) more than one restaurant or eating place license for each 1,500 population or  
 22 fraction of that population, or (B) more than one license of each other type, including  
 23 licenses that have been issued under (d) or (e) of this section, for each 3,000  
 24 population or fraction of that population, in a radius of five miles of the licensed  
 25 premises, excluding the populations of established villages, incorporated cities, unified  
 26 municipalities, and organized boroughs that are wholly or partly included within the  
 27 radius;

28 (2) inside an established village, incorporated city, or unified  
 29 municipality if, after the issuance or relocation, there would be inside the established  
 30 village, incorporated city, or unified municipality

31 (A) more than one restaurant or eating place license for each

1 1,500 population or fraction of that population; or

2 (B) more than one license of each other type, including licenses  
3 that have been issued under (d) or (e) of this section, for each 3,000 population  
4 or fraction of that population;

5 (3) inside an organized borough but outside an established village or  
6 incorporated city located within the borough if, after the issuance or relocation, there  
7 would be inside the borough, but outside the established villages and incorporated  
8 cities located within the borough,

9 (A) more than one restaurant or eating place license for each  
10 1,500 population or fraction of that population; or

11 (B) more than one license of each other type, including licenses  
12 that have been issued under (d) or (e) of this section, for each 3,000 population  
13 or fraction of that population excluding the population of those established  
14 villages that have adopted a local option under AS 04.11.491(b)(1), (3), or (4),  
15 and excluding the population of incorporated cities located within the  
16 organized borough.

17 \* **Sec. 43.** AS 04.11.400(a), as amended by sec. 42 of this Act, is amended to read:

18 (a) Except as provided in **(f) and (k)** [(d) - (k)] of this section and  
19 AS 04.11.405, a new license may not be issued and the board may prohibit relocation  
20 of an existing license

21 (1) outside an established village, incorporated city, unified  
22 municipality, or organized borough if, after the issuance or relocation, **in a radius of**  
23 **five miles of the licensed premises, excluding the populations of established**  
24 **villages, incorporated cities, unified municipalities, and organized boroughs that**  
25 **are wholly or partly included within the radius,** there would be

26 (A) more than one restaurant or eating place license for each  
27 1,500 population or fraction of that population; [ , OR]

28 (B) **more than one brewery retail, winery retail, or distillery**  
29 **retail license for each 9,000 population or fraction of that population; or**

30 (C) more than one license of each other type, **except a type**  
31 **listed in (i) of this section** [INCLUDING LICENSES THAT HAVE BEEN

1 ISSUED UNDER (d) OR (e) OF THIS SECTION], for each 3,000 population  
 2 or fraction of that population [, IN A RADIUS OF FIVE MILES OF THE  
 3 LICENSED PREMISES, EXCLUDING THE POPULATIONS OF  
 4 ESTABLISHED VILLAGES, INCORPORATED CITIES, UNIFIED  
 5 MUNICIPALITIES, AND ORGANIZED BOROUGHs THAT ARE  
 6 WHOLLY OR PARTLY INCLUDED WITHIN THE RADIUS];

7 (2) inside an established village, incorporated city, or unified  
 8 municipality if, after the issuance or relocation, there would be inside the established  
 9 village, incorporated city, or unified municipality

10 (A) more than one restaurant or eating place license for each  
 11 1,500 population or fraction of that population; [OR]

12 (B) **more than one brewery retail, winery retail, or distillery**  
 13 **retail license for each 9,000 population or fraction of that population; or**

14 (C) more than one license of each other type, **except a type**  
 15 **listed in (i) of this section** [INCLUDING LICENSES THAT HAVE BEEN  
 16 ISSUED UNDER (d) OR (e) OF THIS SECTION], for each 3,000 population  
 17 or fraction of that population;

18 (3) inside an organized borough but outside an established village or  
 19 incorporated city located within the borough if, after the issuance or relocation, there  
 20 would be inside the borough, but outside the established villages and incorporated  
 21 cities located within the borough, **excluding the population of those established**  
 22 **villages that have adopted a local option under AS 04.11.491(b)(1) or (3), and**  
 23 **excluding the population of incorporated cities located within the organized**  
 24 **borough;**

25 (A) more than one restaurant or eating place license for each  
 26 1,500 population or fraction of that population; [OR]

27 (B) **more than one brewery retail, winery retail, or distillery**  
 28 **retail license for each 9,000 population or fraction of that population; or**

29 (C) more than one license of each other type, **except a type**  
 30 **listed in (i) of this section** [INCLUDING LICENSES THAT HAVE BEEN  
 31 ISSUED UNDER (d) OR (e) OF THIS SECTION], for each 3,000 population

1 or fraction of that population [EXCLUDING THE POPULATION OF THOSE  
 2 ESTABLISHED VILLAGES THAT HAVE ADOPTED A LOCAL OPTION  
 3 UNDER AS 04.11.491(b)(1), (3), OR (4), AND EXCLUDING THE  
 4 POPULATION OF INCORPORATED CITIES LOCATED WITHIN THE  
 5 ORGANIZED BOROUGH].

6 \* **Sec. 44.** AS 04.11.400(i) is repealed and reenacted to read:

7 (i) This section does not apply to a

- 8 (1) brewery manufacturer license issued under AS 04.09.020;
- 9 (2) winery manufacturer license issued under AS 04.09.030;
- 10 (3) distillery manufacturer license issued under AS 04.09.040;
- 11 (4) general wholesale license issued under AS 04.09.100;
- 12 (5) limited wholesale brewed beverage and wine license under  
 13 AS 04.09.110;
- 14 (6) outdoor recreation lodge license issued under AS 04.09.280;
- 15 (7) destination resort license issued under AS 04.09.300;
- 16 (8) beverage dispensary tourism license issued under AS 04.09.340;
- 17 (9) seasonal restaurant or eating place tourism license issued under  
 18 AS 04.09.350;
- 19 (10) winery direct shipment license issued under AS 04.09.360;
- 20 (11) conditional contractor's permit issued under AS 04.09.690.

21 \* **Sec. 45.** AS 04.11.400(k) is amended to read:

22 (k) The board may allow the relocation of an existing beverage dispensary  
 23 license under **AS 04.09.200 or former** AS 04.11.090 to a restaurant, eating place, or  
 24 hotel, motel, resort, or similar business that contains a restaurant or eating place, **or of**  
 25 **an existing package store license under AS 04.09.230 or former AS 04.11.150,** in a  
 26 borough with a population of **50,000** [60,000] or more [IF THE GOVERNING BODY  
 27 OF THE BOROUGH APPROVES THE RELOCATION. HOWEVER, IF THE  
 28 RELOCATION OF THE LICENSE IS] into or within an incorporated city in the  
 29 borough. **The** [, THE] board may not approve the relocation unless, **at the time of**  
 30 **application, the existing number of issued licenses of the type under consideration**  
 31 **for relocation located within the borough exceeds the maximum allowed under**

1        **(a) of this section, and** the governing bodies of both the borough and the incorporated  
 2        city approve the relocation. The board may allow not more than three relocations **into**  
 3        **each city** [IN A BOROUGH] under this subsection each decade. In this subsection,  
 4        "decade" means each 10-year period beginning April 1 in a year ending in zero.

5        \* **Sec. 46.** AS 04.11 is amended by adding a new section to read:

6                **Sec. 04.11.405. Petition for additional restaurant or eating place licenses**  
 7        **for certain local governing bodies.** (a) A first class city, a home rule city, or a unified  
 8        municipality may submit a resolution to the board, adopted by its legislative body,  
 9        petitioning the board for the issuance of additional restaurant or eating place licenses  
 10        under AS 04.11.100 that exceed the limits under AS 04.11.400(a) in accordance with  
 11        this section.

12                (b) The board, following a public hearing, may issue one or more additional  
 13        restaurant or eating place licenses under AS 04.11.100, within the boundaries of the  
 14        municipality, if the board finds that

15                        (1) the municipality

16                                (A) serves as a center for commercial activity within and  
 17        outside the boundaries of the municipality by providing goods and services to a  
 18        population that is greater than the permanent resident population within the  
 19        boundaries of the municipality;

20                                (B) maintains a local law enforcement department;

21                                (C) exercises planning and land-use authority; and

22                                (D) at the time of the petition, meets or exceeds the maximum  
 23        limit under AS 04.11.400(a) for restaurant or eating place licenses issued under  
 24        AS 04.11.100;

25                        (2) the number of additional licenses does not exceed the number of  
 26        additional licenses requested by the municipality in the petition; and

27                                (3) granting the additional licenses is in the public interest.

28                (c) A resolution submitted by a municipality under (a) of this section must  
 29        include

30                                (1) information demonstrating that the petitioner meets the criteria in

31        (b) of this section;

1 (2) the most recent estimate of the number of people who claim  
2 residency or work outside the boundaries of the municipality and who are served by  
3 the municipality, including the

4 (A) population located outside the boundaries of the  
5 municipality that relies on the municipality for goods and services;

6 (B) visitor population; and

7 (C) nonresident worker population that resides in the  
8 municipality, but that is not counted in the latest federal or state census for the  
9 municipality;

10 (3) the number of existing restaurant or eating place licenses

11 (A) within the boundaries of the municipality;

12 (B) in a geographic area that the municipality serves under (2)  
13 of this subsection;

14 (4) information showing that the number of additional licenses  
15 requested does not exceed one license for each 1,500 population of the population  
16 identified under (2) of this subsection; and

17 (5) additional justification, as necessary, to demonstrate that granting  
18 of the additional licenses is in the public interest.

19 (d) If the board grants a petition for additional restaurant or eating place  
20 licenses under this section to a municipality, the board may not authorize additional  
21 restaurant or eating place licenses to the same municipality under this section for the  
22 following 10 years.

23 \* **Sec. 47.** AS 04.11.405(a), as enacted by sec. 46 of this Act, is amended to read:

24 (a) A first class city, a home rule city, or a unified municipality may submit a  
25 resolution to the board, adopted by its legislative body, petitioning the board for the  
26 issuance of additional restaurant or eating place licenses under **AS 04.09.210**  
27 [AS 04.11.100] that exceed the limits under AS 04.11.400(a) in accordance with this  
28 section.

29 \* **Sec. 48.** AS 04.11.405(b), as enacted by sec. 46 of this Act, is amended to read:

30 (b) The board, following a public hearing, may issue one or more additional  
31 restaurant or eating place licenses under **AS 04.09.210** [AS 04.11.100], within the

1 boundaries of the municipality, if the board finds that

2 (1) the municipality

3 (A) serves as a center for commercial activity within and  
4 outside the boundaries of the municipality by providing goods and services to a  
5 population that is greater than the permanent resident population within the  
6 boundaries of the municipality;

7 (B) maintains a local law enforcement department;

8 (C) exercises planning and land-use authority; and

9 (D) at the time of the petition, meets or exceeds the maximum  
10 limit under AS 04.11.400(a) for restaurant or eating place licenses issued under  
11 AS 04.09.210 [AS 04.11.100];

12 (2) the number of additional licenses does not exceed the number of  
13 additional licenses requested by the municipality in the petition; and

14 (3) granting the additional licenses is in the public interest.

15 \* **Sec. 49.** AS 04.11.430 is amended to read:

16 **Sec. 04.11.430. Person and location.** (a) Each license shall be issued to a  
17 specific individual or individuals, to a partnership, including a limited partnership, to a  
18 limited liability organization, or to a corporation. If the license is issued to a  
19 corporation or a limited liability organization, the registered agent of the corporation  
20 or limited liability organization may [MUST] be either an individual resident of the  
21 state or a domestic corporation authorized to transact business in this state whose  
22 business office is the same as the registered office.

23 (b) Except for a license authorizing the sale of alcoholic beverages on a  
24 common carrier, a specific location shall be indicated on the license or permit as the  
25 licensed premises, the principal address of which shall be indicated on the license or  
26 permit. The mailing address, telephone number, and electronic mailing address of a  
27 licensee or, if the licensee is a corporation, the address, telephone number, and  
28 electronic mailing address of the registered office of the corporation must be kept  
29 current and on file in the main office of the board.

30 \* **Sec. 50.** AS 04.11.450(b) is amended to read:

31 (b) A person who is a representative or owner of a wholesale business

1 **licensed under AS 04.09.100 or 04.09.110** [, BREWERY, WINERY, BOTTLING  
 2 WORKS, OR DISTILLERY] may not be issued, solely or together with others, a  
 3 **manufacturer license issued under AS 04.09.020 - 04.09.040, or a retail license**  
 4 **issued under AS 04.09.200 - 04.09.360** [BEVERAGE DISPENSARY LICENSE, A  
 5 RESTAURANT OR EATING PLACE LICENSE, OR PACKAGE STORE  
 6 LICENSE. A HOLDER OF A BEVERAGE DISPENSARY LICENSE MAY BE  
 7 ISSUED A BREWPUB LICENSE, SUBJECT TO THE PROVISIONS OF  
 8 AS 04.11.135. THE PROHIBITION AGAINST ISSUANCE OF A RESTAURANT  
 9 OR EATING PLACE LICENSE IMPOSED UNDER THIS SUBSECTION DOES  
 10 NOT APPLY TO A RESTAURANT OR EATING PLACE LICENSE ISSUED ON  
 11 OR BEFORE OCTOBER 1, 1996 OR A RESTAURANT OR EATING PLACE  
 12 LICENSE ISSUED UNDER AN APPLICATION FOR A RESTAURANT OR  
 13 EATING PLACE LICENSE APPROVED ON OR BEFORE OCTOBER 1, 1996].

14 \* **Sec. 51.** AS 04.11.450(e) is amended to read:

15 (e) A holder of either a general wholesale license or a **limited** wholesale  
 16 **brewed** [MALT] beverage and wine license may not be employed by or act as the  
 17 agent or employee of the holder of a **manufacturer** [BEVERAGE DISPENSARY OR  
 18 PACKAGE STORE] license **under AS 04.09.020 - 04.09.040 or a retail license**  
 19 **under AS 04.09.200 - 04.09.360.**

20 \* **Sec. 52.** AS 04.11.450 is amended by adding new subsections to read:

21 (g) The holder of a manufacturer license that annually produces in total  
 22 300,000 barrels or more of brewed beverages, 50,000 nine-liter-equivalent cases or  
 23 more of wine, or 50,000 nine-liter-equivalent cases or more of distilled spirits may not  
 24 be issued, solely or together with others, a license under AS 04.09.100 - 04.09.360.

25 (h) For purposes of calculating the volume that the holder of a manufacturer  
 26 license produces under this section, the volume of production must include all  
 27 production by

28 (1) the holder of the manufacturer's license; and

29 (2) an officer, director, agent, employee, or affiliate of the holder; in  
 30 this paragraph, "affiliate" means a person that directly or indirectly, through one or  
 31 more intermediaries, controls, or is controlled by, or is under common control with, a

1 corporation.

2 \* **Sec. 53.** AS 04.11.460 is amended by adding a new subsection to read:

3 (d) This section does not apply to a winery direct shipment license issued  
4 under AS 04.09.360.

5 \* **Sec. 54.** AS 04.11.470 is amended to read:

6 **Sec. 04.11.470. Objection.** A person may object to an application for issuance,  
7 renewal, transfer of location, or transfer to another person of a license, **for issuance,**  
8 **renewal, or transfer to another person of a license with one or more**  
9 **endorsements, for issuance of an endorsement** or for issuance of a permit, by  
10 serving upon the applicant and the board the reasons for the objection. The board shall  
11 consider the objections and testimony received at a hearing conducted under  
12 AS 04.11.510(b)(2) when it considers the application. An objection and the record of a  
13 hearing conducted under AS 04.11.510(b)(2) shall be retained as part of the board's  
14 permanent record of its review of the application.

15 \* **Sec. 55.** AS 04.11.480(a) is amended to read:

16 (a) A local governing body may protest the issuance, renewal, relocation, or  
17 transfer to another person of a license, **issuance, renewal, or transfer to another**  
18 **person of a license with one or more endorsements, or issuance of an**  
19 **endorsement** by sending the board and the applicant a protest and the reasons for the  
20 protest within 60 days of **the date** [RECEIPT FROM THE BOARD] of **the** notice of  
21 filing of the application. A protest received after the 60-day period may not be  
22 accepted by the board, and in no event may a protest cause the board to reconsider an  
23 approved renewal, relocation, or transfer. The local governing body may protest the  
24 continued operation of a license **or endorsement** during the second year of the  
25 biennial license period by sending the board and the licensee a protest and the reasons  
26 for the protest by January 31 of the second year of the license. The procedures for  
27 action on a protest of continued operation of a license **or endorsement** are the same as  
28 the procedures for action on a protest of a renewal application. The board shall  
29 consider a protest and testimony received at a hearing conducted under  
30 AS 04.11.510(b)(2) or (4) when it considers the application or continued operation,  
31 and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or

1 (4) shall be kept as part of the board's permanent record of its review. If an application  
 2 or continued operation is protested, the board shall deny the application or continued  
 3 operation unless the board finds that the protest is arbitrary, capricious, and  
 4 unreasonable.

5 \* **Sec. 56.** AS 04.11.480(b) is amended to read:

6 (b) If the permanent residents residing outside of but within two miles of an  
 7 incorporated city or an established village wish to protest the issuance, renewal, or  
 8 transfer of a license **or a license with one or more endorsements** within the city or  
 9 village, they shall file with the board a petition meeting the requirements of  
 10 AS 04.11.510(b)(3) requesting a public hearing **not later than** [WITHIN] 30 days  
 11 **after** [OF] the posting of notice required under AS 04.11.310, or by December 31 of  
 12 the year application is made for renewal of a license. The board shall consider  
 13 testimony received at a hearing conducted under AS 04.11.510(b)(3) when it considers  
 14 the application, and the record of a hearing conducted under AS 04.11.510(b)(3) shall  
 15 be retained as part of the board's permanent record of its review of the application.

16 \* **Sec. 57.** AS 04.11.480(c) is amended to read:

17 (c) A local governing body may recommend that a license be issued, renewed,  
 18 relocated, or transferred, **or that a license with one or more endorsements be**  
 19 **issued, renewed, or transferred to another person,** with conditions. The board shall  
 20 consider recommended conditions and testimony received at a hearing conducted  
 21 under AS 04.11.510(b)(2) or (4) when it considers the application or continued  
 22 operation, and the recommended conditions and the record of the hearing conducted  
 23 under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record  
 24 of its review. If the local governing body recommends conditions, the board shall  
 25 impose the recommended conditions unless the board finds that the recommended  
 26 conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a  
 27 local governing body is imposed on a licensee, the local governing body shall assume  
 28 responsibility for monitoring compliance with the condition, except as otherwise  
 29 provided by the board.

30 \* **Sec. 58.** AS 04.11.491(a) is amended to read:

31 (a) If a majority of the persons voting on the question vote to approve the

1 option, a municipality shall adopt a local option to prohibit

2 (1) the sale of alcoholic beverages;

3 (2) the sale of alcoholic beverages except by one or more of the  
4 following listed on the ballot:

5 (A) a restaurant or eating place licensee;

6 (B) a beverage dispensary licensee;

7 (C) a package store licensee;

8 (D) a caterer holding a **beverage dispensary caterer's** permit  
9 under **AS 04.09.610** [AS 04.11.230] to sell alcoholic beverages at a site within  
10 the municipality who is also licensed under a beverage dispensary license for  
11 premises outside of the municipality;

12 (E) a winery **manufacturer** licensee; [OR]

13 (F) a winery **manufacturer** licensee, except that sales may  
14 occur only to a person licensed under this title or in another state or country; **or**

15 **(G) an outdoor recreation lodge;**

16 (3) the sale of alcoholic beverages except on premises operated by the  
17 municipality and under a type of licensed premises listed on the ballot, that may  
18 include one or more of the following:

19 (A) a restaurant or eating place license;

20 (B) a beverage dispensary license; or

21 (C) a package store license;

22 (4) the sale and importation of alcoholic beverages; or

23 (5) the sale, importation, and possession of alcoholic beverages.

24 \* **Sec. 59.** AS 04.11.491(b) is amended to read:

25 (b) If a majority of the persons voting on the question vote to approve the  
26 option, an established village shall exercise a local option to prohibit

27 (1) the sale of alcoholic beverages;

28 (2) the sale of alcoholic beverages except by one or more of the  
29 following listed on the ballot:

30 (A) a restaurant or eating place licensee;

31 (B) a beverage dispensary licensee;

1 (C) a package store licensee;

2 (D) a caterer holding a **beverage dispensary caterer's** permit  
3 under **AS 04.09.610** [AS 04.11.230] to sell alcoholic beverages at a site within  
4 the established village who is also licensed under a beverage dispensary license  
5 for premises outside of the established village;

6 (E) a winery **manufacturer** licensee; [OR]

7 (F) a winery **manufacturer** licensee, except that sales may  
8 occur only to a person licensed under this title or in another state or country; **or**

9 **(G) an outdoor recreation lodge;**

10 (3) the sale and importation of alcoholic beverages; or

11 (4) the sale, importation, and possession of alcoholic beverages.

12 \* **Sec. 60.** AS 04.11.491(d) is amended to read:

13 (d) The ballot for an election on the option set out in (a)(2)(A), (a)(3)(A), or  
14 (b)(2)(A) of this section must include a summary explanation of the authority to sell  
15 alcoholic beverages given to a restaurant or eating place under **AS 04.09.210(a)**  
16 [AS 04.11.100(a)]. The ballot for an election on the option set out in (a)(2)(B) or (D),  
17 (a)(3)(B), or (b)(2)(B) or (D) of this section must include a statement that a beverage  
18 dispensary license is commonly known as a "bar" and a summary explanation of the  
19 authority to sell alcoholic beverages given to a beverage dispensary licensee under  
20 **AS 04.09.200** [AS 04.11.090(a)]. The ballot for an election on the option set out in  
21 (a)(2)(C), (a)(3)(C), or (b)(2)(C) of this section must include a statement that a  
22 package store license is commonly known as a "liquor store" and a summary  
23 explanation of the authority to sell alcoholic beverages given to a package store  
24 licensee under **AS 04.09.230** [AS 04.11.150(a)].

25 \* **Sec. 61.** AS 04.11.491(g) is amended to read:

26 (g) If a municipality or established village has adopted a local option under  
27 (a)(1), (2), (3), or (4), or (b)(1), (2), or (3) of this section, the municipality or  
28 established village, as part of the local option question or questions placed before the  
29 voters, may

30 (1) adopt an amount of alcoholic beverages that may be imported that  
31 is less than the amounts set out in **AS 04.09.460(e)** [AS 04.11.150(g)];

1 (2) adopt an amount of alcoholic beverages that would give rise to a  
 2 presumption that the person possessed the alcoholic beverages for sale; the amounts  
 3 adopted under this paragraph may be lower than those set out in AS 04.11.010(c) [;

4 (3) OPT TO NOT APPLY A CLASS C FELONY TO VIOLATIONS  
 5 OF AS 04.16.051 THAT APPLY SOLELY BY REASON OF THE MUNICIPALITY  
 6 OR ESTABLISHED VILLAGE ADOPTING A LOCAL OPTION UNDER THIS  
 7 SECTION].

8 \* **Sec. 62.** AS 04.11.520 is amended to read:

9 **Sec. 04.11.520. Notice to local governing body.** After receipt of an  
 10 application **for the issuance or renewal of a license, the renewal of a license with**  
 11 **one or more endorsements, the transfer of a license or a license with one or more**  
 12 **endorsements to another person, transfer of a license to a new location, or the**  
 13 **issuance of an endorsement** from within [(1)] an established village, [(2)] an  
 14 incorporated city, [(3)] an organized borough, or [(4)] a unified municipality, the  
 15 board shall **notify** [TRANSMIT WRITTEN NOTICE TO] the local governing body **in**  
 16 **writing** within 10 **business** days so that the local governing body may protest under  
 17 AS 04.11.480.

18 \* **Sec. 63.** AS 04.11.535(a) is amended to read:

19 (a) If, in a proceeding to suspend or revoke a license, **endorsement, or permit**  
 20 under AS 04.11.370(a)(5), the board finds that a sentencing report, **record of**  
 21 **conviction, or judgment** sent to the board under AS 12.55.025(b) or a report prepared  
 22 by the investigating or arresting officers in connection with the violation, contains  
 23 information that if uncontradicted or unexplained would provide a ground for  
 24 suspension or revocation under AS 04.11.370(a)(5), the licensee **or permittee** has the  
 25 burden of proof to establish that the licensee **or permittee** neither knowingly allowed  
 26 the violation nor recklessly or with criminal negligence failed to act in accordance  
 27 with the duty prescribed under AS 04.21.030.

28 \* **Sec. 64.** AS 04.11.537 is amended to read:

29 **Sec. 04.11.537. Application of precedent.** In determining whether issuance,  
 30 renewal, transfer, relocation, suspension, or revocation of a license **or the issuance,**  
 31 **renewal, transfer to another person, suspension, or revocation of an endorsement**

1 is in the best interests of the public, the board need not conform to or distinguish its  
 2 decision from any action it has taken in the past on applications presenting similar  
 3 facts, but may instead base its decision only on the particular facts before it.

4 \* **Sec. 65.** AS 04.11.540 is amended to read:

5 **Sec. 04.11.540. License, endorsement, and conditional contractor's permit**  
 6 **renewal and expiration.** Notwithstanding AS 04.11.680, an application for renewal  
 7 of a license, **endorsement, or a conditional contractor's permit under**  
 8 **AS 04.09.690** issued for the two calendar years ending December 31 or of a seasonal  
 9 license issued for parts of those calendar years may be submitted up until the next  
 10 February 28. If a complete application for renewal has not been filed by February 28  
 11 or the required fees and the penalty fees have not been paid by that date, the license,  
 12 **endorsement, or conditional contractor's permit** expires at 12:00 midnight  
 13 February 28. A new license may not be issued to the holder of an expired license for  
 14 the same premises except on proof satisfactory to the board of good cause for the  
 15 failure to file and pay.

16 \* **Sec. 66.** AS 04.11.560(b) is amended to read:

17 (b) A decision by the board relating to the issuance, renewal, transfer,  
 18 relocation, suspension, or revocation of a license **or an endorsement** under this title  
 19 may be appealed to the superior court under AS 44.62.560.

20 \* **Sec. 67.** AS 04.11.570 is amended to read:

21 **Sec. 04.11.570. Refund and forfeiture of fees.** (a) If an application for a  
 22 license **or endorsement** is denied, the board shall refund the license fee **but not**  
 23 **[LESS]** the application fee.

24 (b) A license **or endorsement** fee may not be refunded after the license **or**  
 25 **endorsement** has been issued unless the board determines it has erred in the issuance  
 26 through no fault of the applicant.

27 (c) If a license, **endorsement, or permit** is revoked on grounds that  
 28 statements made in the application are untrue, the **[LICENSE]** fee paid by the  
 29 applicant is forfeited to the state.

30 \* **Sec. 68.** AS 04.11.580(b) is amended to read:

31 (b) The licensee shall surrender a current license to the board **not later than**

1 [WITHIN] 10 days after the loss or vacation of the licensed premises.

2 \* **Sec. 69.** AS 04.11.590(a) is amended to read:

3 (a) Money collected from licenses, endorsements, permits, and civil  
4 penalties [FINES] under this title shall be transferred by the board to the Department  
5 of Commerce, Community, and Economic Development and deposited in the general  
6 fund.

7 \* **Sec. 70.** AS 04.11.610 is amended to read:

8 **Sec. 04.11.610. Allocation [REFUND] to municipalities.** (a) **An amount**  
9 **equal to the sum of the biennial** [BIENNIAL] license fees, excluding annual  
10 wholesale fees and biennial wholesale license fees, collected within a municipality  
11 shall be **allocated** [REFUNDED] semi-annually to the municipality.

12 (b) If the officers of a municipality fail to actively enforce local ordinances,  
13 **this title,** laws of the United States and the state, and the regulations relating to the  
14 manufacture and sale of alcoholic beverages in the state, **or fail to provide the**  
15 **director with a report of contacts with licensed establishments, educational**  
16 **activities concerning this title and local ordinances, and violations of this title**  
17 **occurring in the municipality, at the time and in the format as may be required**  
18 **by regulation adopted by the board,** the commissioner of commerce, community,  
19 and economic development may deny the **allocation** [REFUND] provided for under  
20 (a) of this section until the board finds the enforcement of the ordinances, laws, and  
21 regulations is resumed **or the report is provided.**

22 (c) The Department of Commerce, Community, and Economic Development  
23 shall recover any **funds** [AMOUNTS] erroneously **allocated** [REFUNDED] under (a)  
24 of this section. The Department of Commerce, Community, and Economic  
25 Development shall schedule repayments of erroneously **allocated funds**  
26 [REFUNDED AMOUNTS] over a sufficient period of time to minimize financial  
27 hardship to the municipality involved.

28 \* **Sec. 71.** AS 04.11.630(b) is amended to read:

29 (b) A license, **endorsement, or permit** issued under this title shall be posted  
30 within the licensed premises **or designated premises** so as to be easily available for  
31 inspection upon request by a peace officer or other person during regular business

1 hours **or during the time period specified on the permit.**

2 \* **Sec. 72.** AS 04.11.680 is amended to read:

3 **Sec. 04.11.680. Duration of licenses, endorsements, and permits.** (a) Upon  
4 application [AND PAYMENT OF ONE-HALF OF THE BIENNIAL FEE], the board  
5 may issue a seasonal license under this title that is effective for the intervals stated on  
6 the license. [A SEASONAL LICENSE MAY NOT BE EFFECTIVE FOR MORE  
7 THAN 12 MONTHS IN A TWO-YEAR PERIOD.] Otherwise, **a license or**  
8 **endorsement** [ALL LICENSES] issued under this title **and a conditional**  
9 **contractor's permit issued under AS 04.09.690 is** [OTHER THAN A RETAIL  
10 STOCK SALE LICENSE ARE] effective for the two calendar years ending  
11 December 31, unless a shorter period is prescribed by the board or by law.

12 (b) A permit issued under this title shall be for **a specific time** [THE] period  
13 [PRESCRIBED BY THE BOARD]. The period shall be clearly designated on the  
14 permit.

15 \* **Sec. 73.** AS 04.16.010(c) is amended to read:

16 (c) A licensee, an agent, or employee may not permit a person to enter and a  
17 person may not enter premises licensed under this title between the hours of 5:00 a.m.  
18 and 8:00 a.m. each day, **unless the person is**

19 **(1) on the premises to conduct business with the licensee, agent, or**  
20 **employee, and the licensee, agent, or employee is in compliance with (a) and (b)**  
21 **of this section;**

22 **(2) a common carrier with a common carrier dispensary license**  
23 **under AS 04.09.260;**

24 **(3)** [. THIS SUBSECTION DOES NOT APPLY TO COMMON  
25 CARRIERS OR TO] an employee of the licensee who is on the premises to prepare  
26 for the next day's business;

27 **(4) performing maintenance or improvements authorized by the**  
28 **licensee;**

29 **(5)** [. A PERSON MAY ENTER OR REMAIN] on the premises [OF  
30 A BONA FIDE RESTAURANT OR EATING PLACE LICENSED UNDER THIS  
31 TITLE] to consume food or nonalcoholic beverages **and the premises are covered**

1 **under a restaurant endorsement issued under AS 04.09.450.**

2 \* **Sec. 74.** AS 04.16.010 is amended by adding a new subsection to read:

3 (e) A person who violates (a), (b), or (c) of this section is guilty of a violation.

4 \* **Sec. 75.** AS 04.16.015(a) is amended to read:

5 (a) On premises where alcoholic beverages are sold by the drink, a licensee or  
6 a licensee's agent or employee may not

7 (1) offer or deliver, as a marketing device to the general public, free  
8 alcoholic beverages to a patron, **except as provided for the holder of a**  
9 **manufacturer sampling endorsement under AS 04.09.410 or a package store**  
10 **sampling endorsement under AS 04.09.490;**

11 (2) deliver an alcoholic beverage to a person already possessing two or  
12 more;

13 (3) sell, offer to sell, or deliver alcoholic beverages to a person or  
14 group of persons at a price less than the price regularly charged for the beverages  
15 during **a consecutive seven-day period** [THE SAME CALENDAR WEEK], except at  
16 private functions not open to the general public;

17 (4) sell, offer to sell, or deliver an unlimited number of alcoholic  
18 beverages to a person or group of persons during a set period of time for a fixed price;

19 (5) sell, offer to sell, or deliver alcoholic beverages to a person or  
20 group of persons on any one day at prices less than those charged the general public  
21 on that day, except at private functions not open to the general public;

22 (6) encourage or permit an organized game or contest on the licensed  
23 premises that involves drinking alcoholic beverages or the awarding of alcoholic  
24 beverages as prizes.

25 \* **Sec. 76.** AS 04.16.015 is amended by adding a new subsection to read:

26 (e) A person who violates this section is guilty of a violation.

27 \* **Sec. 77.** AS 04.16 is amended by adding a new section to read:

28 **Sec. 04.16.017. Trade practices.** (a) A person holding a license under  
29 AS 04.09.020, 04.09.030, 04.09.040, 04.09.100, or 04.09.110 or engaged in the  
30 alcoholic beverage industry in another state or country as a brewer, vintner, distiller,  
31 or importer, or as an agent of a brewer, vintner, distiller, or importer, may not, except

1 as provided in regulations adopted by the board under (b) of this section, induce a  
2 person holding a license under this title to

3 (1) operate as a tied house by inducing a retailer engaged in the sale of  
4 alcoholic beverages to purchase products from an entity to the exclusion, in whole or  
5 in part, of products sold or offered for sale by other entities by

6 (A) furnishing, giving, renting, lending, or selling to the retailer  
7 equipment fixtures, signs, supplies, money, services, or other things of value,  
8 except those excluded in regulation and determined to be not contrary to the  
9 public interest or contrary to the intent of this subsection;

10 (B) paying or crediting the retailer for an advertising, display,  
11 or distribution service;

12 (C) guaranteeing a loan or the repayment of a financial  
13 obligation of the retailer;

14 (D) extending to the retailer credit for a period in excess of the  
15 credit period usual and customary to the industry for the particular class of  
16 transactions; or

17 (E) requiring the retailer to take and dispose of a certain quota  
18 of the products;

19 (2) operate as an exclusive outlet by requiring that a retailer engaged in  
20 the sale of alcoholic beverages purchase products from an entity to the exclusion, in  
21 whole or in part, of alcoholic beverages sold or offered for sale by other entities;

22 (3) purchase products from an entity to the exclusion, in whole or in  
23 part, of products sold or offered for sale by other entities by

24 (A) commercial bribery; or

25 (B) offering or giving any bonus, premium, or compensation to  
26 an officer, employee, or representative of the licensee;

27 (4) enter into an agreement for consignment sales, or to purchase, offer  
28 to purchase, or contract to purchase products on consignment, under conditional sale,  
29 or with the privilege of return on any basis other than a bona fide sale, or where part of  
30 the transaction involves, directly or indirectly, the acquisition by an entity from the  
31 licensee or the entity's agreement to acquire from the licensee other alcoholic

1 beverages, except that this paragraph does not apply to transactions involving solely  
 2 the return of merchandise for ordinary and usual commercial reasons arising after the  
 3 merchandise has been sold.

4 (b) The board shall adopt regulations providing exceptions to the practices  
 5 listed under (a) of this section that are

6 (1) consistent with federal law at the time of the effective date of this  
 7 section;

8 (2) necessary to avoid practical difficulty or undue hardship on a  
 9 licensee;

10 (3) in the best interests of the public; and

11 (4) consistent with the requirements of this title.

12 (c) The board shall adopt regulations establishing administrative penalties for  
 13 a violation of this section.

14 (d) In this section, "commercial bribery," "consignment sales," "exclusive  
 15 outlet," and "tied house" have the meanings given in 27 U.S.C. 205 and regulations  
 16 adopted under that section.

17 \* **Sec. 78.** AS 04.16.020 is amended by adding new subsections to read:

18 (d) A person who violates a provision of this section commits the offense of  
 19 unauthorized solicitation or purchase of alcoholic beverages.

20 (e) Unauthorized solicitation or purchase of alcoholic beverages is a violation  
 21 and is punishable by a fine of \$100.

22 \* **Sec. 79.** AS 04.16 is amended by adding a new section to read:

23 **Sec. 04.16.022. Online sale and purchase of alcoholic beverages.** (a) A  
 24 licensee or a licensee's agent or employee may not sell or offer to sell alcoholic  
 25 beverages to the public online unless the licensee holds a winery direct shipment  
 26 license issued under AS 04.09.360 or a package store shipping endorsement under  
 27 AS 04.09.460.

28 (b) A person may not purchase alcoholic beverages online except from the  
 29 holder of a winery direct shipment license issued under AS 04.09.360 or a package  
 30 store shipping endorsement under AS 04.09.460.

31 (c) A person who violates (a) of this section is, upon conviction, guilty of a

1 class A misdemeanor.

2 (d) A person who violates (b) of this section is guilty of a violation.

3 \* **Sec. 80.** AS 04.16.025(a) is amended to read:

4 (a) A person may not knowingly enter or remain on premises

5 (1) in which alcoholic beverages are manufactured, sold, offered for  
6 sale, possessed for sale or barter, trafficked in, or bartered in violation of

7 (A) AS 04.09.060, 04.09.070, 04.09.145, 04.09.370, 04.09.380,

8 or AS 04.11.010; or

9 (B) a municipal ordinance adopted under AS 04.21.010(a) or

10 (b); or

11 (2) licensed under this title during hours in which the person's presence  
12 on the premises is a violation of a municipal ordinance adopted under authority of  
13 AS 04.16.010(d) providing for hours of closure that are outside the hours of closure  
14 prescribed by AS 04.16.010(c).

15 \* **Sec. 81.** AS 04.16.030 is amended by adding new subsections to read:

16 (c) A person who violates this section commits the offense of prohibited  
17 conduct relating to a drunken person.

18 (d) Prohibited conduct relating to a drunken person is a violation, punishable  
19 by a fine of \$500.

20 (e) In addition to the penalty specified under (d) of this section, the holder of  
21 the license is strictly and vicariously liable for a violation committed by an employee  
22 or agent of the licensee on the licensed premises, punishable by an administrative  
23 penalty of \$250. Notwithstanding AS 04.11.370(a)(4) and (5) and AS 04.16.180(b)(1),  
24 the board may not order suspension of the license for the first violation committed on  
25 the licensed premises under this section.

26 (f) A licensee who knowingly allows an agent or employee of the licensee to  
27 commit the offense of prohibited conduct relating to a drunken person under (c) of this  
28 section commits the offense of failure to ensure compliance relating to a drunken  
29 person.

30 (g) Failure to ensure compliance relating to a drunken person is a class A  
31 misdemeanor.

1 \* **Sec. 82.** AS 04.16.035 is amended to read:

2           **Sec. 04.16.035. Possession of ingredients for homebrew in certain areas.** A  
3 person residing in an area that has adopted a local option **under AS 04.11.491** [TO  
4 PROHIBIT THE SALE, IMPORTATION, AND POSSESSION OF ALCOHOLIC  
5 BEVERAGES UNDER AS 04.11.491(a)(5) OR (b)(4)] may not possess sugar,  
6 artificial sugar, malt, yeast, or any other material or equipment with the intent to use  
7 the material or equipment to create an alcoholic beverage.

8 \* **Sec. 83.** AS 04.16.035 is amended by adding new subsections to read:

9           (b) A person who knowingly violates this section commits the crime of  
10 possession of ingredients for homebrew.

11           (c) Possession of ingredients for homebrew is a class A misdemeanor.

12 \* **Sec. 84.** AS 04.16.040 is amended to read:

13           **Sec. 04.16.040. Access of drunken persons to licensed premises.** A drunken  
14 person may not knowingly enter or remain on **licensed** premises [LICENSED  
15 UNDER THIS TITLE].

16 \* **Sec. 85.** AS 04.16.040 is amended by adding new subsections to read:

17           (b) A person who violates this section commits the offense of prohibited  
18 access by a drunken person.

19           (c) Prohibited access by a drunken person is a violation.

20 \* **Sec. 86.** AS 04.16.045 is amended by adding new subsections to read:

21           (b) A person who violates this section commits the offense of permitting  
22 consumption not authorized under a license.

23           (c) Permitting consumption not authorized under a license is a violation.

24 \* **Sec. 87.** AS 04.16.047 is amended by adding new subsections to read:

25           (d) A person who is restricted from purchasing alcohol under AS 04.16.160  
26 who knowingly violates (a) of this section commits the offense of entering or  
27 remaining on licensed premises.

28           (e) Entering or remaining on licensed premises is a class A misdemeanor.

29 \* **Sec. 88.** AS 04.16.049(a) is amended to read:

30           (a) A person under 21 years of age may not knowingly enter or remain in  
31 premises licensed under this title unless

1 (1) accompanied by a parent, guardian, or spouse who has attained 21  
2 years of age;

3 (2) the person is **allowed to enter and remain on** [AT LEAST 16  
4 YEARS OF AGE,] the premises **under a restaurant endorsement issued under**  
5 **AS 04.09.450** [ARE DESIGNATED BY THE BOARD AS A RESTAURANT FOR  
6 THE PURPOSES OF THIS SECTION, AND THE PERSON ENTERS AND  
7 REMAINS ONLY FOR DINING];

8 (3) THE PERSON IS UNDER 16 YEARS OF AGE, IS  
9 ACCOMPANIED BY A PERSON OVER 21 YEARS OF AGE, THE PARENT OR  
10 GUARDIAN OF THE UNDERAGED PERSON CONSENTS, THE PREMISES ARE  
11 DESIGNATED BY THE BOARD AS A RESTAURANT FOR THE PURPOSES OF  
12 THIS SECTION, AND THE PERSON ENTERS AND REMAINS ONLY FOR  
13 DINING];

14 **(3)** [(4)] the person is permitted on the premises under a club license  
15 issued under **AS 04.09.220(g) or former** AS 04.11.110(g); or

16 **(4)** [(5)] otherwise provided under (c), (d), or (g) of this section.

17 \* **Sec. 89.** AS 04.16.049(c) is amended to read:

18 (c) Notwithstanding any other provision in this section, a person 16 or 17  
19 years of age may enter and remain within the licensed premises of a hotel **or motel,**  
20 **large resort,** golf course, **general wholesaler, limited brewed beverage and wine**  
21 **wholesaler, common carrier dispensary, outdoor recreation lodge,** or restaurant  
22 [OR EATING PLACE] in the course of employment if

23 (1) the employment does not involve the serving, mixing, delivering,  
24 or dispensing of alcoholic beverages;

25 (2) the person has the written consent of a parent or guardian; and

26 (3) an exemption from the prohibition of AS 23.10.355 is granted by  
27 the Department of Labor and Workforce Development. [THE BOARD, WITH THE  
28 APPROVAL OF THE GOVERNING BODY HAVING JURISDICTION AND AT  
29 THE LICENSEE'S REQUEST, SHALL DESIGNATE WHICH PREMISES ARE  
30 HOTELS, GOLF COURSES, RESTAURANTS, OR EATING PLACES FOR THE  
31 PURPOSES OF THIS SUBSECTION.]

1 \* **Sec. 90.** AS 04.16.049(d) is amended to read:

2 (d) Notwithstanding any other provision in this section, a person 18, 19, or 20  
3 years of age may be employed within the licensed premises of a hotel **or motel, large**  
4 **resort**, golf course, **general wholesaler, limited brewed beverage and wine**  
5 **wholesaler, common carrier dispensary, outdoor recreation lodge**, or restaurant  
6 [OR EATING PLACE], may enter and remain within those premises for the purpose  
7 of employment, but may not, in the course of employment, sell, serve, deliver, or  
8 dispense alcoholic beverages.

9 \* **Sec. 91.** AS 04.16.049 is amended by adding a new subsection to read:

10 (j) Notwithstanding any other provision in this section, a person under 21  
11 years of age may be present on the licensed premises of a common carrier dispensary,  
12 destination resort, or outdoor recreation lodge for the purpose of travel, travel lodging,  
13 or outdoor recreation activities provided by the licensee if the person is

14 (1) at least 16 years of age; or

15 (2) under 16 years of age and a parent or legal guardian of the  
16 underaged person consents.

17 \* **Sec. 92.** AS 04.16.051(d) is repealed and reenacted to read:

18 (d) A person who, with criminal negligence, furnishes or delivers an alcoholic  
19 beverage to a person under 21 years of age in violation of (a) of this section commits  
20 the crime of furnishing or delivering to a minor.

21 \* **Sec. 93.** AS 04.16.051 is amended by adding a new subsection to read:

22 (e) Furnishing or delivering to a minor is

23 (1) a violation and is punishable by a fine of \$500, except as provided  
24 in (2) of this subsection;

25 (2) a class C felony if the person who receives the alcoholic beverage  
26 negligently causes serious physical injury to or the death of another person while  
27 under the influence of the alcoholic beverage received in violation of this section; in  
28 this paragraph,

29 (A) "negligently" means acting with civil negligence; and

30 (B) "serious physical injury" has the meaning given in

31 AS 11.81.900.

1 \* **Sec. 94.** AS 04.16.052 is amended by adding new subsections to read:

2 (b) In addition to the penalty specified under (d) of this section, for a violation  
3 committed by an employee or agent of the licensee on a licensed premises under this  
4 section, the holder of the license is strictly liable and subject to an administrative  
5 penalty of \$250. Notwithstanding AS 04.11.370(a)(4) and (5) and AS 04.16.180(b)(1),  
6 the board may not order suspension of the license for the first violation committed on  
7 the licensed premises under this section.

8 (c) A person who violates (a) of this section commits the offense of licensee,  
9 employee, or agent furnishing alcohol to a minor.

10 (d) Licensee, employee, or agent furnishing alcohol to a minor is a violation  
11 and is punishable by a fine of \$500.

12 (e) A licensee who knowingly allows an agent or employee of the licensee to  
13 commit the offense of licensee, employee, or agent furnishing alcohol to a minor  
14 under (c) of this section commits the offense of failure to ensure compliance relating  
15 to furnishing alcohol to a minor.

16 (f) Failure to ensure compliance relating to furnishing alcohol to a minor is a  
17 class A misdemeanor.

18 \* **Sec. 95.** AS 04.16.055 is amended by adding new subsections to read:

19 (b) A person who knowingly rents a room in a hotel, motel, resort, or similar  
20 business for the purpose of providing alcoholic beverages to a person under 21 years  
21 of age commits the crime of renting a room for the purpose of providing alcoholic  
22 beverages to a person under 21 years of age.

23 (c) Renting a room for the purpose of providing alcoholic beverages to a  
24 person under 21 years of age is a violation and is punishable by a fine of \$500.

25 \* **Sec. 96.** AS 04.16.057(b) is amended to read:

26 (b) A person who violates this section is guilty of a violation and **is**  
27 **punishable by a fine of \$500** [SHALL BE PUNISHED AS PROVIDED IN  
28 AS 12.55].

29 \* **Sec. 97.** AS 04.16.060(e) is amended to read:

30 (e) A person under the age of 21 who is seeking to enter and remain in a  
31 licensed premises under AS 04.16.049(a)(2) [OR (3)] may not misrepresent the

1 person's age or having obtained the consent of the parent or guardian required by that  
2 section.

3 \* **Sec. 98.** AS 04.16.060 is amended by adding new subsections to read:

4 (g) A person who violates (a) of this section commits the offense of purchase  
5 by a person under 21 years of age.

6 (h) A person who violates (b) or (c) of this section commits the offense of  
7 delivery to a person under 21 years of age.

8 (i) Purchase by a person under 21 years of age is a violation and is punishable  
9 by a fine of \$500.

10 (j) Delivery to a person under 21 years of age is a violation and is punishable  
11 by a fine of \$500.

12 (k) For a person under 21 years of age who commits an offense under (g) of  
13 this section, the violation must be charged and filed with the court as a separate case  
14 and may not be combined or joined with any other minor offense or criminal charge in  
15 one action at the time of filing. A court may reduce the fine to \$50 for a person who  
16 has not more than one previous violation or to \$250 for a person who has two or more  
17 previous violations if the person provides the court, not later than six months after a  
18 judgment of conviction is entered, with proof of completion of

19 (1) an alcohol safety action program or a juvenile alcohol safety action  
20 program developed, designated, or approved by the Department of Health and Social  
21 Services under AS 47.37; or

22 (2) a community diversion panel.

23 \* **Sec. 99.** AS 04.16.080 is amended to read:

24 **Sec. 04.16.080. Consumption [SALES OR CONSUMPTION] at school**  
25 **events.** A person may not [SELL OR] consume alcoholic beverages during a school  
26 event at the site of the event.

27 \* **Sec. 100.** AS 04.16.080 is amended by adding new subsections to read:

28 (b) A person who consumes an alcoholic beverage during a school event at the  
29 site of the event commits the offense of consuming at a school event.

30 (c) Consuming at a school event is a violation and is punishable by a fine of  
31 \$100.

1 \* **Sec. 101.** AS 04.16.090(c) is amended to read:

2 (c) **In** [FOR THE PURPOSES OF] this section, "consideration" includes  
 3 [BUT IS NOT LIMITED TO] cover charge, the sale of food, ice, mixers, or other  
 4 liquids used with alcoholic beverage drinks, [OR] the furnishing of glassware or other  
 5 containers for use in the consumption of alcoholic beverages, **other charges for**  
 6 **access to the licensed premises, or other services or products provided on the**  
 7 **licensed premises.**

8 \* **Sec. 102.** AS 04.16.090 is amended by adding new subsections to read:

9 (d) A person who knowingly violates this section commits the crime of  
 10 maintaining a bottle club.

11 (e) Maintaining a bottle club is a class A misdemeanor.

12 \* **Sec. 103.** AS 04.16.110 is amended by adding new subsections to read:

13 (b) A person who knowingly sells an alcoholic beverage in violation of (a) of  
 14 this section commits the crime of sale of a prohibited alcoholic beverage.

15 (c) Sale of a prohibited alcoholic beverage is a class A misdemeanor.

16 \* **Sec. 104.** AS 04.16.120 is amended by adding new subsections to read:

17 (d) A person who removes an alcoholic beverage from licensed premises in  
 18 violation of (a) of this section and a person who brings an alcoholic beverage onto  
 19 licensed premises in violation of (b) of this section commits the offense of removal or  
 20 introduction of alcoholic beverages.

21 (e) Notwithstanding (a) of this section, the holder of a beverage dispensary  
 22 license under AS 04.09.200, the holder of a beverage dispensary tourism license under  
 23 AS 04.09.340, or the holder's employee may transport alcoholic beverages across  
 24 unlicensed portions of a hotel, motel, or large resort if the

25 (1) licensee holds an endorsement under AS 04.09.430 or 04.09.440;

26 and

27 (2) licensee or employee is walking directly from one licensed area of  
 28 the premises to another licensed area.

29 (f) Removal or introduction of alcoholic beverages is a violation and is  
 30 punishable by a fine of \$100.

31 \* **Sec. 105.** AS 04.16.125 is repealed and reenacted to read:

1                   **Sec. 04.16.125. Alcoholic beverages transported or delivered by common**  
 2 **carrier.** (a) A common carrier may not transport or deliver alcoholic beverages to a  
 3 person in the state unless the board has approved the common carrier under (b) of this  
 4 section.

5                   (b) A common carrier may apply to the board, on a form prescribed by the  
 6 board, for approval to transport and deliver alcoholic beverages to persons in the state.  
 7 The board shall approve an application if the common carrier certifies that it will meet  
 8 the requirements under (c) and (d) of this section.

9                   (c) A common carrier delivering alcoholic beverages to a person in the state  
 10 shall ensure that the package containing alcoholic beverages is delivered directly to a  
 11 person who

12                               (1) presents identification and acceptable proof of age under  
 13 AS 04.21.050 showing that the person is 21 years of age or older; and

14                               (2) provides a signature acknowledging that the person received the  
 15 package.

16                   (d) A common carrier approved by the board under (b) of this section shall  
 17 make records of shipments of alcoholic beverages to persons in the state available for  
 18 inspection and audit by the board. The board may require periodic reporting of  
 19 approved common carriers on a form prescribed by the board.

20                   (e) The board shall maintain, periodically review, and make available for  
 21 public inspection a list of approved common carriers for transport and delivery of  
 22 alcoholic beverages to persons in the state.

23                   (f) The board may remove a previously approved common carrier from the list  
 24 if the common carrier transports or delivers alcoholic beverages in violation of (c) or  
 25 (d) of this section.

26                   (g) A person may use a common carrier to transport and deliver alcoholic  
 27 beverages into an area that has restricted the sale of alcoholic beverages under  
 28 AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) if

29                               (1) the shipping container holding the alcoholic beverages is clearly  
 30 labeled as containing alcoholic beverages and requiring a signature of a person at least  
 31 21 years of age upon delivery; and

1 (2) an itemized invoice showing the quantity and purchase value of  
 2 distilled spirits, wine, and brewed beverages is attached to the outside of the shipping  
 3 container.

4 (h) The requirements under (g) of this section do not apply to

5 (1) a person transporting

6 (A) two liters or less of wine;

7 (B) one gallon or less of brewed beverages; or

8 (C) one liter or less of distilled spirits; or

9 (2) the transportation of alcoholic beverages for use on premises  
 10 allowed under AS 04.11.491(a)(2) or (3) or (b)(2) or for use under a permit allowed  
 11 under AS 04.11.491(a)(2).

12 (i) A common carrier that has not been approved by the board to transport and  
 13 deliver alcoholic beverages and that transports or delivers alcoholic beverages into or  
 14 within the state commits the offense of unapproved common carrier transport or  
 15 delivery of alcoholic beverages.

16 (j) Unapproved common carrier transport or delivery of alcoholic beverages is  
 17 a violation and is punishable by a fine of \$500.

18 (k) An approved common carrier that violates a provision under (c) or (d) of  
 19 this section commits the offense of common carrier noncompliance for transport or  
 20 delivery of alcoholic beverages.

21 (l) Common carrier noncompliance for transport or delivery of alcoholic  
 22 beverages is a violation.

23 (m) A person who knowingly violates (g) of this section commits the crime of  
 24 unauthorized transportation of alcoholic beverages by common carrier into a local  
 25 option area.

26 (n) Unauthorized transportation of alcoholic beverages by common carrier  
 27 into a local option area is a class A misdemeanor.

28 (o) In this section,

29 (1) "common carrier" means a motor vehicle, watercraft, aircraft, or  
 30 railroad car available for public hire to transport freight or passengers;

31 (2) "transport" has the meaning given in AS 04.11.499.

1 \* **Sec. 106.** AS 04.16.130 is amended by adding new subsections to read:

2 (c) A person who violates this section commits the offense of unauthorized  
3 storage of alcoholic beverages.

4 (d) Unauthorized storage of alcoholic beverages is a violation.

5 \* **Sec. 107.** AS 04.16.140 is amended by adding new subsections to read:

6 (b) A person who knowingly violates (a) of this section commits the offense  
7 of sale or consumption of an alcoholic beverage in a warehouse.

8 (c) Sale or consumption of an alcoholic beverage in a warehouse is a violation.

9 \* **Sec. 108.** AS 04.16.150 is amended by adding new subsections to read:

10 (b) Except as provided under AS 04.16.030(f) and 04.16.052(e), a licensee  
11 who knowingly violates (a) of this section commits the offense of failure to ensure  
12 compliance.

13 (c) Failure to ensure compliance is a violation.

14 \* **Sec. 109.** AS 04.16.160 is amended by adding new subsections to read:

15 (c) A person who knowingly fails to comply with a restriction on purchasing  
16 alcoholic beverages in violation of (a) of this section commits the crime of failure to  
17 comply with a restriction on purchasing alcoholic beverages.

18 (d) Failure to comply with a restriction on purchasing alcoholic beverages is a  
19 class A misdemeanor.

20 \* **Sec. 110.** AS 04.16.170 is amended to read:

21 **Sec. 04.16.170. Source of alcoholic beverages.** (a) Alcoholic beverages for  
22 consumption by the purchaser may only [NOT] be sold by [UNLESS OBTAINED  
23 FROM] a person licensed under this title.

24 (b) A person transporting alcoholic beverages into the state may not sell those  
25 alcoholic beverages to a person not licensed under this title, unless the alcoholic  
26 beverages are used for religious, industrial, pharmaceutical, or medical purposes, or as  
27 allowed under AS 04.09.360.

28 \* **Sec. 111.** AS 04.16.170 is amended by adding new subsections to read:

29 (c) A licensee who knowingly violates (a) or (b) of this section commits the  
30 crime of sale of alcoholic beverages from or to an unlicensed person.

31 (d) Sale of alcoholic beverages from or to an unlicensed person is a class A

1 misdemeanor.

2 \* **Sec. 112.** AS 04.16.172 is amended to read:

3 **Sec. 04.16.172. Restrictions on purchase and sale of alcoholic beverages.** A  
 4 person licensed under AS 04.09.200, 04.09.210, 04.09.220, 04.09.230, 04.09.270,  
 5 04.09.280, 04.09.290, 04.09.300, 04.09.310, 04.09.320, 04.09.330, 04.09.340, or  
 6 04.09.350 [AS 04.11.090, 04.11.100, 04.11.110, OR 04.11.150] may not purchase,  
 7 sell, or offer for sale an alcoholic beverage unless the alcoholic beverage being  
 8 purchased, sold, or offered for sale was obtained from a person licensed under

9 (1) AS 04.09.100 or 04.09.110 [AS 04.11.160] as a primary source of  
 10 supply for the alcoholic beverage being purchased, sold, or offered for sale;

11 (2) AS 04.09.230 [AS 04.11.150] and the alcoholic beverage being  
 12 purchased, sold, or offered for sale was obtained from a person licensed under  
 13 AS 04.09.100 or 04.09.110 [AS 04.11.160] as a primary source of supply; or

14 (3) AS 04.09.020, 04.09.030, or 04.09.040 [AS 04.11.130, 04.11.140,  
 15 OR 04.11.170].

16 \* **Sec. 113.** AS 04.16.172 is amended by adding new subsections to read:

17 (b) A licensee who knowingly violates (a) of this section commits the crime of  
 18 licensee obtaining alcoholic beverages from an unlicensed seller.

19 (c) Licensee obtaining alcoholic beverages from an unlicensed seller is a class  
 20 A misdemeanor.

21 \* **Sec. 114.** AS 04.16.175 is amended by adding new subsections to read:

22 (c) A person who knowingly furnishes an alcoholic beverage to a player in  
 23 violation of (a) of this section commits the crime of furnishing an alcoholic beverage  
 24 in aid of a gambling enterprise.

25 (d) Furnishing an alcoholic beverage in aid of a gambling enterprise is a class  
 26 A misdemeanor.

27 \* **Sec. 115.** AS 04.16.180(b) is amended to read:

28 (b) A suspension or revocation of a license ordered by the board under  
 29 AS 04.11.370(a)(4) and (5) shall be as follows:

30 (1) on first conviction, the license of the premises involved may not be  
 31 revoked, but, **except as provided in AS 04.16.030 and 04.16.052,** may be suspended

1 for not more than 45 days;

2 (2) on second conviction, the license of the premises involved may not  
3 be revoked, but may be suspended for not more than 90 days;

4 (3) on third conviction, the license of the premises involved may be  
5 suspended or revoked.

6 \* **Sec. 116.** AS 04.16.180(e) is amended to read:

7 (e) In this section,

8 **(1) "conviction" includes a conviction of a violation, a**  
9 **misdemeanor, and a felony;**

10 **(2)** [THE TERMS] "second conviction" and "third conviction" include  
11 only convictions for violations that occur within five years **after** [OF] the first  
12 conviction; **the** [. THE] terms refer to the cumulative number of convictions of a  
13 licensee of any combination of violations of the provisions of this title, regulations  
14 adopted under this title, or ordinances adopted under AS 04.21.010; [. THE TERMS]  
15 "second conviction" and "third conviction" include a conviction of the agent or  
16 employee of a licensee of a violation of a law, regulation, or ordinance if the  
17 conviction constitutes a ground for suspension or revocation under  
18 AS 04.11.370(a)(5).

19 \* **Sec. 117.** AS 04.16.180 is amended by adding new subsections to read:

20 (f) In addition to the criminal penalties specified in this title and AS 12.55, a  
21 holder of a license under this title who is convicted of a crime or offense involving the  
22 violation of a provision of this title or a regulation adopted under this title is subject to  
23 suspension or revocation of the license under this section and other administrative  
24 penalties imposed by the board. For purposes of administrative penalties under this  
25 subsection, each violation is a separate offense.

26 (g) The holder of a license subject to suspension or revocation under (b)(2) or  
27 (3) of this section may request a hearing to petition the board to reduce the  
28 administrative penalty. The board may reduce the administrative penalty if the  
29 licensee shows, by a preponderance of the evidence, that

30 (1) the licensee complied with the alcohol server education course  
31 requirement of AS 04.21.025 and adopted and enforced a compliance program and a

1 disciplinary program for agents and employees of the licensee;

2 (2) the licensee has a pattern and practice of exercising the degree of  
3 care required under AS 04.16.030;

4 (3) the licensee posted warning signs as required under AS 04.21.065;  
5 and

6 (4) in the case of a conviction for a violation of AS 04.16.030 or  
7 04.16.052, the agent or employee convicted under AS 04.16.030 or 04.16.052  
8 completed an alcohol server education course under AS 04.21.025.

9 \* **Sec. 118.** AS 04.16.220(a) is amended to read:

10 (a) The following are subject to forfeiture:

11 (1) alcoholic beverages manufactured, sold, offered for sale, possessed  
12 for sale, or bartered or exchanged for goods and services in this state in violation of  
13 **AS 04.09.060, 04.09.070, 04.09.145, 04.09.370, 04.09.380, or** AS 04.11.010;  
14 alcoholic beverages possessed, stocked, warehoused, or otherwise stored in violation  
15 of AS 04.21.060; alcoholic beverages sold or offered for sale in violation of a local  
16 option adopted under AS 04.11.491; alcoholic beverages transported into the state and  
17 sold to persons not licensed under this **title** [CHAPTER] in violation of  
18 AS 04.16.170(b); alcoholic beverages transported in violation of AS 04.16.125;

19 (2) materials and equipment used in the manufacture, sale, offering for  
20 sale, possession for sale, or barter or exchange of alcoholic beverages for goods and  
21 services in this state in violation of **AS 04.09.060, 04.09.070, 04.09.145, 04.09.370,**  
22 **04.09.380, or** AS 04.11.010; materials and equipment used in the stocking,  
23 warehousing, or storage of alcoholic beverages in violation of AS 04.21.060; materials  
24 and equipment used in the sale or offering for sale of an alcoholic beverage in an area  
25 in violation of a local option adopted under AS 04.11.491;

26 (3) aircraft, vehicles, or vessels used to transport or facilitate the  
27 transportation of

28 (A) alcoholic beverages manufactured, sold, offered for sale,  
29 possessed for sale, or bartered or exchanged for goods and services in this state  
30 in violation of **AS 04.09.060, 04.09.070, 04.09.145, 04.09.370, 04.09.380, or**  
31 AS 04.11.010;

1 (B) property stocked, warehoused, or otherwise stored in  
2 violation of AS 04.21.060;

3 (C) alcoholic beverages imported into a municipality or  
4 established village in violation of AS 04.11.499(a);

5 (4) alcoholic beverages found on licensed premises that do not bear  
6 federal excise stamps if excise stamps are required under federal law;

7 (5) alcoholic beverages, materials, or equipment used in violation of  
8 AS 04.16.175;

9 (6) money, securities, negotiable instruments, or other things of value  
10 used in financial transactions or items of value purchased from the proceeds derived  
11 from activity prohibited under AS 04.09.060, 04.09.070, 04.09.145, 04.09.370,  
12 04.09.380, or AS 04.11.010 or in violation of a local option adopted under  
13 AS 04.11.491;

14 (7) a firearm used in furtherance of a violation of this title.

15 \* **Sec. 119.** AS 04.16.220(d) is amended to read:

16 (d) Property subject to forfeiture under (a) of this section may be forfeited

17 (1) upon conviction of a person for a violation of AS 04.09.060,  
18 04.09.070, 04.09.145, 04.09.370, 04.09.380, AS 04.11.010, 04.11.499, AS 04.16.125,  
19 AS 04.21.060, or AS 04.11.501 or an ordinance adopted under AS 04.11.501; or

20 (2) upon judgment by the superior court in a proceeding in rem that the  
21 property was used in a manner subjecting it to forfeiture under (a) of this section.

22 \* **Sec. 120.** AS 04.16.220(g) is amended to read:

23 (g) It is no defense in an in rem forfeiture proceeding brought under (d)(2) of  
24 this section that a criminal proceeding is pending or has resulted in conviction or  
25 acquittal of a person charged with violating AS 04.09.060, 04.09.070, 04.09.145,  
26 04.09.370, 04.09.380, AS 04.11.010, 04.11.499, or AS 04.21.060.

27 \* **Sec. 121.** AS 04.16.220(i) is amended to read:

28 (i) Upon conviction for a violation of AS 04.09.060, 04.09.070, 04.09.145,  
29 04.09.370, 04.09.380, AS 04.11.010, or 04.11.499(a), if an aircraft, vehicle, or  
30 watercraft is subject to forfeiture under (a) of this section, the court shall, subject to  
31 remission to innocent parties under this section,

1 (1) order the forfeiture of an aircraft to the state;

2 (2) order the forfeiture of a vehicle or watercraft if

3 (A) the defendant has a prior felony conviction for a violation  
4 of AS 11.41 or a similar law in another jurisdiction;

5 (B) the defendant is on felony probation or parole;

6 (C) the defendant has a prior conviction for violating  
7 AS 04.11.010 or 04.11.499(a); or

8 (D) the quantity of alcohol transported in violation of this title  
9 was twice the presumptive amounts in AS 04.11.010(c).

10 \* **Sec. 122.** AS 04.21 is amended by adding a new section to read:

11 **Sec. 04.21.012. Keg registration.** (a) A person may not purchase a keg or  
12 similar container holding four or more gallons of an alcoholic beverage unless the  
13 person provides proof that the person is over 21 years of age and completes and signs  
14 a registration form. The purchaser of a keg or similar container holding four or more  
15 gallons of an alcoholic beverage may not remove or obliterate the temporary  
16 identifying tag on the keg or container.

17 (b) A licensee or an agent or employee of a licensee who sells or offers for  
18 sale a keg or similar container holding four or more gallons of an alcoholic beverage  
19 shall require a purchaser to show acceptable proof of age under AS 04.21.050(b) and  
20 sign the sworn statement on a registration form. The licensee shall complete the  
21 registration form and affix a temporary tag with a unique identifier to the keg or  
22 container before releasing the container to the purchaser. The licensee shall retain a  
23 copy of the form for one year and make the form available for inspection.

24 (c) The board shall prescribe a registration form for use by licensees and  
25 purchasers. The board may approve for use a registration form adopted by a local  
26 governing body. A registration form must include

27 (1) the name of the seller;

28 (2) the name of the purchaser;

29 (3) a description of the proof of age provided by the buyer, including  
30 the identification number, if any;

31 (4) the unique identifier on the temporary tag attached to the keg or

1 container under (b) of this section.

2 (d) A licensee or an agent or employee of a licensee who sells a keg or similar  
3 container holding four or more gallons of an alcoholic beverage without completing a  
4 registration form or affixing a temporary identification tag to the keg or container  
5 commits the crime of selling alcoholic beverages in an unregistered keg.

6 (e) A person who is not licensed under this title or the employee or agent of a  
7 person who is not licensed under this title who possesses a keg or similar container  
8 holding four or more gallons of an alcoholic beverage without a temporary  
9 identification tag commits the crime of possessing alcoholic beverages in an  
10 unregistered keg.

11 (f) Selling alcoholic beverages in an unregistered keg is a violation.

12 (g) Possessing alcoholic beverages in an unregistered keg is a violation and is  
13 punishable by a fine of \$100.

14 \* **Sec. 123.** AS 04.21.020(a) is amended to read:

15 (a) Except as provided under (b) and (d) of this section, a person who provides  
16 alcoholic beverages to another person may not be held civilly liable for injuries  
17 resulting from the intoxication of that person unless the person who provides the  
18 alcoholic beverages holds a license authorized under AS 04.09.010 - 04.09.380  
19 [AS 04.11.080 - 04.11.220] or is an agent or employee of [SUCH] a licensee and

20 (1) the alcoholic beverages are provided to a person under [THE AGE  
21 OF] 21 years **of age** in violation of AS 04.16.051, unless the licensee, agent, or  
22 employee secures in good faith from the person a signed statement, liquor  
23 identification card, or driver's license meeting the requirements of AS 04.21.050(a)  
24 and (b), that indicates that the person is 21 years of age or older; or

25 (2) the alcoholic beverages are provided to a drunken person in  
26 violation of AS 04.16.030.

27 \* **Sec. 124.** AS 04.21.020(b) is amended to read:

28 (b) A person who sells or barter an alcoholic beverage to another person in  
29 violation of AS 04.09.060, 04.09.070, 04.09.145, 04.09.370, 04.09.380, or  
30 AS 04.11.010 is strictly liable (1) to the recipient or another person for civil damages  
31 if, while under the influence of the alcoholic beverage, the person receiving the

1 alcoholic beverage engages in conduct that results in civil damages and the recipient's  
2 being under the influence of the alcoholic beverage substantially contributes to the  
3 civil damages; and (2) for the cost to the state or a political subdivision of the state to  
4 criminally prosecute a person who receives an alcoholic beverage from a person who  
5 violates AS 04.11.010 if the prosecution results from the violation of AS 04.11.010  
6 described in this subsection.

7 \* **Sec. 125.** AS 04.21.025(a) is repealed and reenacted to read:

8 (a) Except as provided under (e) and (f) of this section, as a condition of  
9 issuance or renewal of a license or conditional contractor's permit and selling alcoholic  
10 beverages under a license or conditional contractor's permit, the board shall require a  
11 licensee or permittee who sells or serves alcoholic beverages and a licensee's or  
12 permittee's agents and employees who sell or serve alcoholic beverages or check the  
13 identification of a patron to complete an alcohol server education course approved by  
14 the board.

15 \* **Sec. 126.** AS 04.21.025(b) is amended to read:

16 (b) The subjects that are included in an approved alcohol server education  
17 course shall be determined under regulations adopted by the board. In approving  
18 alcohol server education courses, the board shall consider the needs of both urban and  
19 rural licensees regarding access to an approved alcohol server education course. A  
20 licensee, permittee, agent, or employee who sells or serves alcoholic beverages shall  
21 keep the card described in (c) of this section or other proof acceptable to the board of  
22 successful completion of an approved alcohol server education course on the licensed  
23 premises during working hours.

24 \* **Sec. 127.** AS 04.21.025(c) is amended to read:

25 (c) A licensee, permittee, agent, or employee shall complete the course  
26 required under (a) of this section and pass a written test demonstrating an  
27 understanding of the course subjects not more than 30 days after being licensed,  
28 permitted, or employed. The course provider shall issue a card to each individual who  
29 completes the course and passes the written test. A card issued under this subsection is  
30 valid for three years from the date of issue. A licensee, permittee, agent, or employee  
31 may renew a card issued under this section; to renew the card, the licensee, permittee,

1 agent, or employee must pass a written test demonstrating an understanding of the  
 2 course subjects. **Notwithstanding the 30-day period for completing the course and**  
 3 **passing the written test under this subsection, a person may not sell or serve**  
 4 **alcoholic beverages or check the identification of a patron at a permitted event**  
 5 **under AS 04.09.600 - 04.09.690 unless the person possesses a valid card issued**  
 6 **before the event.**

7 \* **Sec. 128.** AS 04.21.025 is amended by adding new subsections to read:

8 (f) This section does not apply to the following licenses:

9 (1) brewery manufacturer license under AS 04.09.020, unless the  
 10 licensee holds a manufacturer sampling endorsement;

11 (2) winery manufacturer license under AS 04.09.030, unless the  
 12 licensee holds a manufacturer sampling endorsement;

13 (3) distillery manufacturer license under AS 04.09.040, unless the  
 14 licensee holds a manufacturer sampling endorsement;

15 (4) general wholesale license under AS 04.09.100;

16 (5) limited wholesale brewed beverage and wine license under  
 17 AS 04.09.110;

18 (6) winery direct shipment license under AS 04.09.360.

19 (g) A person who violates (a) - (c) or (e) of this section commits the offense of  
 20 failure to comply with alcohol server education requirements.

21 (h) Failure to comply with alcohol server education requirements is a  
 22 violation.

23 \* **Sec. 129.** AS 04.21.050(a) is amended to read:

24 (a) If a licensee or an agent or employee of the licensee questions or has  
 25 reason to question whether a person entering licensed premises, or ordering,  
 26 purchasing, attempting to purchase, or otherwise procuring or attempting to procure  
 27 alcoholic beverages,

28 (1) has attained the age of 21 years or is entering without consent in  
 29 violation of **AS 04.16.049(a)(2)** [AS 04.16.049(a)(3)] and has not attained the age of  
 30 16 years, that licensee, agent, or employee shall require the person to furnish proof of  
 31 age acceptable under (b) of this section or proof of consent in a form determined by

1 the board; if the person questioned does not furnish proof of age acceptable under (b)  
 2 of this section, or if a licensee, agent, or employee questions or has reason to question  
 3 the validity of the proof of age furnished, the licensee, employee, or agent shall require  
 4 the person to sign a statement that the person is over the age of 21 or 16 years, as  
 5 appropriate; this statement shall be made on a form prepared by and furnished to the  
 6 licensee by the board;

7 (2) is restricted from purchasing alcoholic beverages under  
 8 AS 04.16.160, the licensee, agent, or employee may, but has no duty or obligation to,  
 9 require the person to furnish proof acceptable under (b) of this section that the person  
 10 is not restricted from purchasing alcoholic beverages or require the person to sign a  
 11 statement that the person is not restricted from purchasing alcoholic beverages under  
 12 AS 04.16.160; this statement shall be made on a form prepared by and furnished to the  
 13 licensee by the board.

14 \* **Sec. 130.** AS 04.21.060 is amended by adding new subsections to read:

15 (b) A licensee who stores alcoholic beverages elsewhere than on the licensed  
 16 premises and who fails to comply with (a)(1) - (3) of this section commits the offense  
 17 of unauthorized warehousing.

18 (c) Unauthorized warehousing is a violation.

19 \* **Sec. 131.** AS 04.21.065(a) is repealed and reenacted to read:

20 (a) A holder of one of the following types of licenses or permits shall post on  
 21 the licensed or designated premises three separate warning signs as described in (b) of  
 22 this section:

23 (1) brewery manufacturer license under AS 04.09.020 with a  
 24 manufacturer sampling endorsement under AS 04.09.410;

25 (2) winery manufacturer license under AS 04.09.030 with a  
 26 manufacturer sampling endorsement under AS 04.09.410;

27 (3) distillery manufacturer license under AS 04.09.040 with a  
 28 manufacturer sampling endorsement under AS 04.09.410;

29 (4) beverage dispensary license under AS 04.09.200;

30 (5) restaurant or eating place license under AS 04.09.210;

31 (6) club license under AS 04.09.220;

- 1 (7) package store license under AS 04.09.230;  
 2 (8) pub license under AS 04.09.240;  
 3 (9) theater license under AS 04.09.250;  
 4 (10) common carrier dispensary license under AS 04.09.260;  
 5 (11) sporting event license under AS 04.09.270;  
 6 (12) outdoor recreation lodge license under AS 04.09.280;  
 7 (13) golf course license under AS 04.09.290;  
 8 (14) destination resort license under AS 04.09.300;  
 9 (15) brewery retail license under AS 04.09.310;  
 10 (16) winery retail license under AS 04.09.320;  
 11 (17) distillery retail license under AS 04.09.330;  
 12 (18) beverage dispensary tourism license under AS 04.09.340;  
 13 (19) seasonal restaurant or eating place tourism license under  
 14 AS 04.09.350;  
 15 (20) beverage dispensary caterer's permit under AS 04.09.610;  
 16 (21) restaurant caterer's dining permit under AS 04.09.620;  
 17 (22) club caterer's permit under AS 04.09.630;  
 18 (23) art exhibit event permit under AS 04.09.640;  
 19 (24) nonprofit organization event permit under AS 04.09.650;  
 20 (25) tasting event permit under AS 04.09.670;  
 21 (26) conditional contractor's permit under AS 04.09.690;  
 22 (27) another license or permit issued by the board authorizing  
 23 consumption of alcoholic beverages.

24 \* **Sec. 132.** AS 04.21 is amended by adding new sections to read:

25 **Sec. 04.21.072. Fines and other criminal penalties.** (a) A violation under this  
 26 title, unless otherwise specified in the provision of this title defining the offense, is  
 27 punishable by a fine of \$250.

28 (b) A misdemeanor or felony under this title, unless otherwise specified in the  
 29 provision of this title defining the offense, is punishable as provided in AS 12.55.

30 **Sec. 04.21.074. Bail forfeiture schedule.** The supreme court shall establish by  
 31 rule or order a schedule of bail amounts for violations under this title that allow the

1 disposition of a citation without a court appearance. The bail amount may not exceed  
2 the maximum penalty prescribed by law for the violation.

3 **Sec. 04.21.076. Suspension of fine or sentence.** The court may not suspend a  
4 fine for an offense other than a misdemeanor or felony under this title, or suspend  
5 imposition or execution of sentence for an offense other than a misdemeanor or felony  
6 under this title, unless otherwise expressly provided in this title.

7 \* **Sec. 133.** AS 04.21.078 is amended to read:

8 **Sec. 04.21.078. Court records of persons under 21 years of age.** The Alaska  
9 Court System may not publish on a publicly available website the court records of a  
10 violation of AS 04.16.049, [OR] 04.16.050, 04.16.060(g), or a similar ordinance of a  
11 municipality, if the violation was charged separately and was not joined with any other  
12 minor offense or criminal charge at the time of filing.

13 \* **Sec. 134.** AS 04.21.080(b)(6) is amended to read:

14 (6) "designated premises" means any or all designated portions of a  
15 building or structure, rooms or enclosures in the building or structure, or real estate  
16 leased, used, controlled, or operated by a licensee or permittee for the purpose for  
17 which the license or permit is issued by the board at the location of the site for which  
18 the license or permit is issued;

19 \* **Sec. 135.** AS 04.21.080(b)(15) is amended to read:

20 (15) "licensed premises" means any or all designated portions of a  
21 building or structure, rooms or enclosures in the building or structure, or real estate  
22 leased, used, controlled, or operated by a licensee in the conduct of business for which  
23 the licensee is licensed by the board at the specific address for which the license or an  
24 endorsement to the license is issued;

25 \* **Sec. 136.** AS 04.21.080(b) is amended by adding new paragraphs to read:

26 (21) "bona fide restaurant" means an establishment or a portion of an  
27 establishment where, during all times alcoholic beverages are served or consumed,

28 (A) the patron's principal activity is consumption of food; and

29 (B) a variety of types of food items appropriate for meals is  
30 prepared on site and available for sale as shown on a menu provided to patrons  
31 and filed with the board;

1 (22) "brewed beverage" means an alcoholic beverage made by  
2 fermenting cereal grains, including beer and malt beverages, sake, and kombucha;

3 (23) "calendar year" means the period beginning January 1 and ending  
4 December 31;

5 (24) "cider" means a type of wine made primarily from fermented  
6 apples, apple juice, or concentrate;

7 (25) "distilled spirit" means an alcoholic beverage that is first  
8 fermented and then distilled;

9 (26) "golf course" means a course that is open to the public, having at  
10 least nine holes and covering at least 2,950 yards;

11 (27) "kombucha" means a brewed beverage made from fermented tea  
12 and containing at least one-half percent alcohol by volume;

13 (28) "mead" means a type of wine made primarily from honey;

14 (29) "sake" means a type of brewed beverage made primarily from  
15 fermented rice;

16 (30) "wine" means an alcoholic beverage made from fermented grapes  
17 or other fruit or honey.

18 \* **Sec. 137.** AS 05.15.690(48) is amended to read:

19 (48) "vendor" means a business whose primary activity is not regulated  
20 by this chapter but that

21 (A) is engaged in the sale of pull-tabs on behalf of a permittee;

22 (B) holds a business license under AS 43.70; and

23 (C) is an establishment holding a

24 (i) beverage dispensary license under **AS 04.09.200**  
25 **without a restaurant endorsement issued under AS 04.09.450**

26 [AS 04.11.090 THAT HAS NOT BEEN DESIGNATED BY THE  
27 ALCOHOLIC BEVERAGE CONTROL BOARD UNDER  
28 AS 04.16.049(a)(2) - (3)], has not been exempted by the Department of  
29 Labor and Workforce Development under AS 04.16.049(c) and  
30 AS 23.10.355, and if the establishment is a hotel, motel, resort, or  
31 similar business that caters to the traveling public as a substantial part

1 of its business, does not allow the sale of pull-tabs in a dining room,  
 2 banquet room, guest room, or other public areas other than a room in  
 3 which there is regularly maintained a fixed counter or service bar **that**  
 4 **has plumbing connections to permanent plumbing** at which  
 5 alcoholic beverages are sold or served to members of the public for  
 6 consumption;

7 (ii) package store license under **AS 04.09.230**  
 8 [AS 04.11.150];

9 \* **Sec. 138.** AS 09.65.315(b) is amended to read:

10 (b) A person licensed under **AS 04.09.010 - 04.09.380** [AS 04.11.080 -  
 11 04.11.255], or an agent or employee of the person, is not liable for damages resulting  
 12 from a motor vehicle accident described under (a) of this section. A person or entity  
 13 that participates in making arrangements for transportation of a vehicle under (a) of  
 14 this section is not liable for damages resulting from a motor vehicle accident described  
 15 in (a) of this section.

16 \* **Sec. 139.** AS 11.76.100(b) is amended to read:

17 (b) Notwithstanding the provisions of (a) of this section, a person who  
 18 maintains a vending machine is not in violation of (a)(3) of this section if the vending  
 19 machine is located

20 (1) on premises licensed as a beverage dispensary under **AS 04.09.200**  
 21 [AS 04.11.090], licensed as a club under **AS 04.09.220** [AS 04.11.110], or licensed as  
 22 a package store under **AS 04.09.230** [AS 04.11.150]; and

23 (A) as far as practicable from the primary entrance; and

24 (B) in a place that is directly and continually supervised by a  
 25 person employed on the licensed premises during the hours the vending  
 26 machine is accessible to the public; or

27 (2) in an employee break room or other controlled area of a private  
 28 work place that is not generally considered a public place and the room or area  
 29 contains a posted warning sign at least 11 inches by 14 inches indicating that  
 30 possession of tobacco by a person under 19 years of age is prohibited under  
 31 AS 11.76.105.

1 \* **Sec. 140.** AS 11.76.107(a) is amended to read:

2 (a) A person commits the offense of failure to supervise a cigarette vending  
3 machine if the person owns premises licensed as a beverage dispensary under  
4 AS 04.09.200, [AS 04.11.090 OR] licensed as a club under AS 04.09.220,  
5 [AS 04.11.110] or licensed as a package store under AS 04.09.230 [AS 04.11.150] and  
6 with criminal negligence fails to have an employee supervise a vending machine on  
7 those premises that dispenses cigarettes, cigars, tobacco, or products containing  
8 tobacco as required by AS 11.76.100(b)(1)(B).

9 \* **Sec. 141.** AS 12.62.400(a) is amended to read:

10 (a) To obtain a national criminal history record check for determining a  
11 person's qualifications for a license, permit, registration, employment, or position, a  
12 person shall submit the person's fingerprints to the department with the fee established  
13 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau  
14 of Investigation to obtain a national criminal history record check of the person for the  
15 purpose of evaluating a person's qualifications for

16 (1) a license or conditional contractor's permit to manufacture, sell,  
17 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage  
18 under AS 04.09 [AS 04.11];

19 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage  
20 loan originator under AS 06.60;

21 (3) admission to the Alaska Bar Association under AS 08.08;

22 (4) licensure as a collection agency operator under AS 08.24;

23 (5) a certificate of fitness to handle explosives under AS 08.52;

24 (6) licensure as a massage therapist under AS 08.61;

25 (7) licensure to practice nursing or certification as a nurse aide under  
26 AS 08.68;

27 (8) certification as a real estate appraiser under AS 08.87;

28 (9) a position involving supervisory or disciplinary power over a minor  
29 or dependent adult for which criminal justice information may be released under  
30 AS 12.62.160(b)(9);

31 (10) a teacher certificate under AS 14.20;

1 (11) a registration or license to operate a marijuana establishment  
2 under AS 17.38;

3 (12) licensure as a security guard under AS 18.65.400 - 18.65.490;

4 (13) a concealed handgun permit under AS 18.65.700 - 18.65.790;

5 (14) licensure as an insurance producer, managing general agent,  
6 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines  
7 broker, or independent adjuster under AS 21.27;

8 (15) serving and executing process issued by a court by a person  
9 designated under AS 22.20.130;

10 (16) a school bus driver license under AS 28.15.046;

11 (17) licensure as an operator or an instructor for a commercial driver  
12 training school under AS 28.17;

13 (18) registration as a broker-dealer, agent, investment adviser  
14 representative, or state investment adviser under AS 45.55.030 - 45.55.060.

15 \* **Sec. 142.** AS 18.56.230(b) is amended to read:

16 (b) The corporation may not authorize the commercial use of space in a multi-  
17 unit residential housing development owned or financed by the corporation for

18 (1) a business that offers adult entertainment;

19 (2) the sale of alcoholic beverages, unless the sale [IS IN A  
20 RESTAURANT OR EATING PLACE LICENSED UNDER AS 04.11.100 OR] is in  
21 premises **covered by a restaurant endorsement issued** [DESIGNATED] by the  
22 Alcoholic Beverage Control Board **under AS 04.09.450** [AS A RESTAURANT  
23 UNDER AS 04.16.049];

24 (3) substance abuse treatment; or

25 (4) a business that primarily sells, transfers, or stores cigarettes or  
26 tobacco-related products.

27 \* **Sec. 143.** AS 18.65.085(c) is amended to read:

28 (c) The Department of Public Safety may establish and administer a reward  
29 program, and provide grants to municipalities, established villages, and, at the request  
30 of a municipality or established village, to a nonprofit association that administers a  
31 village public safety officer program, for reward programs leading to the apprehension

1 and conviction of persons who violate AS 04.09.060, 04.09.070, 04.09.145, 04.09.370,  
 2 04.09.380, or AS 04.11.010 by selling, importing, or possessing alcoholic beverages  
 3 in violation of a local option adopted by a municipality or established village under  
 4 AS 04.11.491.

5 \* **Sec. 144.** AS 18.80.230(b) is amended to read:

6 (b) Notwithstanding (a) of this section, a physical fitness facility may limit  
 7 public accommodation to only males or only females to protect the privacy interests of  
 8 its users. Public accommodation may be limited under this subsection only to those  
 9 rooms in the facility that are primarily used for weight loss, aerobic, and other  
 10 exercises, or for resistance weight training. Public accommodation may not be limited  
 11 under this subsection to rooms in the facility primarily used for other purposes,  
 12 including conference rooms, dining rooms, and premises licensed under AS 04.09  
 13 [AS 04.11]. This subsection does not apply to swimming pools or golf courses.

14 \* **Sec. 145.** AS 39.50.200(b) is amended by adding a new paragraph to read:

15 (65) Marijuana Control Board (AS 17.38.080).

16 \* **Sec. 146.** AS 43.60 is amended by adding a new section to read:

17 **Sec. 43.60.060. Winery direct shipment tax; statement; audit.** A holder of a  
 18 winery direct shipment license under AS 04.09.360 who sells wine in the state or who  
 19 consigns shipments of wine into the state shall

20 (1) be subject to the taxes provided under AS 43.60.010(a);

21 (2) provide monthly statements and other information required under  
 22 AS 43.60.020 with the remittance of a tax collected under this section;

23 (3) allow the Department of Revenue to perform an audit of the  
 24 holder's records upon request; and

25 (4) consent to the jurisdiction of a state court concerning enforcement  
 26 of this section relating to the collection of taxes and other money owed by the holder,  
 27 including interest and penalties.

28 \* **Sec. 147.** AS 43.70.105(a) is amended to read:

29 (a) This chapter does not apply to

30 (1) a fisheries business;

31 (2) the sale of liquor under a license issued under AS 04.09

1 [AS 04.11];

2 (3) an insurance business;

3 (4) a mining business;

4 (5) supplying services as an employee;

5 (6) furnishing goods or services by a person who does not represent to  
6 be regularly engaged in furnishing goods or services;

7 (7) the activities of an investment club; in this paragraph,

8 (A) "investment club" means a group of individuals,  
9 incorporated or otherwise organized, that engages primarily in investing in  
10 securities, that does not sell investment services to another person, that does  
11 not advertise, and the primary purpose of which is educational;

12 (B) "security" has the meaning given in AS 45.55.990.

13 \* **Sec. 148.** AS 45.45.590(1) is amended to read:

14 (1) "business proprietor" means a person who owns a place of business  
15 in which the public may assemble and in which copyrighted musical works may be  
16 performed, broadcasted, or otherwise transmitted; in this paragraph, "place of  
17 business" includes a store, professional office, sports facility, entertainment facility,  
18 restaurant, hotel, or [AN] alcoholic beverage establishment licensed under **AS 04.09**  
19 [AS 04.11];

20 \* **Sec. 149.** The uncodified law of the State of Alaska is amended to read:

21 DIRECT COURT RULE AMENDMENT. Rule 17, Alaska Rules of Minor  
22 Offense Procedure, is amended by adding a new subsection to read:

23 (g) A prosecutor may not join a minor offense for a violation of AS 04.16.049,  
24 [OR] 04.16.050, **or 04.16.060(g)** with a related criminal offense.

25 \* **Sec. 150.** AS 04.11.070, 04.11.080, 04.11.090, 04.11.100, 04.11.110, 04.11.115,  
26 04.11.120, 04.11.130, 04.11.135, 04.11.140, 04.11.150, 04.11.160, 04.11.170, 04.11.180,  
27 04.11.200, 04.11.210, 04.11.220, 04.11.225, 04.11.230, 04.11.240, 04.11.250, 04.11.255,  
28 04.11.400(d), 04.11.400(h), 04.11.400(j); AS 04.16.070, 04.16.100, 04.16.180(a),  
29 04.16.180(d), 04.16.210; and AS 04.21.080(b)(3) are repealed.

30 \* **Sec. 151.** AS 04.11.400(e) and 04.11.400(g) are repealed.

31 \* **Sec. 152.** AS 04.09.270(f) and 04.09.320(i) are repealed January 1, 2028.

1 \* **Sec. 153.** Section 156 of this Act is repealed January 1, 2020.

2 \* **Sec. 154.** The uncodified law of the State of Alaska is amended by adding a new section  
3 to read:

4 APPLICABILITY. (a) The provisions of secs. 9 - 19, 28, 73 - 76, 78 - 122, 127 - 130,  
5 132, 139, and 140 of this Act apply to offenses committed on or after the effective date of  
6 each of those respective sections.

7 (b) References to previous convictions in AS 04.11.270(a), as amended by sec. 22 of  
8 this Act, AS 04.16.180(b), as amended by sec. 115 of this Act, AS 04.16.180(e), as amended  
9 by sec. 116 of this Act, and AS 04.16.220(i), as amended by sec. 121 of this Act, apply to  
10 convictions occurring before, on, or after the effective date of each of those respective  
11 sections.

12 \* **Sec. 155.** The uncodified law of the State of Alaska is amended by adding a new section  
13 to read:

14 TRANSITION: CONVERSION OF APPLICATIONS AND LICENSES. (a)  
15 Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic Beverage  
16 Control Board shall convert, within 90 days after the effective date of this section,

17 (1) a license issued or renewed as necessary for the public convenience under  
18 former AS 04.11.400(e) or 04.11.400(g), repealed by sec. 151 of this Act, into a restaurant or  
19 eating place license under AS 04.09.210, added by sec. 9 of this Act, if the license was issued  
20 as a restaurant or eating place license, or into a beverage dispensary license under  
21 AS 04.09.200, added by sec. 9 of this Act, if the license was issued as a beverage dispensary  
22 license under former AS 04.11.400(j);

23 (2) an application submitted to the board that meets all of the requirements  
24 under former AS 04.11.400(e) or 04.11.400(g), repealed by sec. 151 of this Act, into an  
25 application for a restaurant or eating place license under AS 04.09.210, added by sec. 9 of this  
26 Act, if the license was issued as a restaurant or eating place license;

27 (3) a license issued or renewed as a bottling works license under former  
28 AS 04.11.120, repealed by sec. 150 of this Act, into a brewery manufacturer license under  
29 AS 04.09.020, added by sec. 9 of this Act, or into a winery manufacturer license under  
30 AS 04.09.030, added by sec. 9 of this Act;

31 (4) a license issued or renewed as a brewpub license under former

1 AS 04.11.135, repealed by sec. 150 of this Act, into a brewery manufacturer license under  
2 AS 04.09.020, added by sec. 9 of this Act;

3 (5) a license issued or renewed as a beverage dispensary license or restaurant  
4 or eating place license for a premises that is a theater under former AS 04.11.090 or  
5 AS 04.11.100, repealed by sec. 150 of this Act, into a theater license under AS 04.09.250,  
6 added by sec. 9 of this Act;

7 (6) a license issued or renewed as a wholesale license under former  
8 AS 04.11.160(a), repealed by sec. 150 of this Act, into a general wholesale license under  
9 AS 04.09.100, added by sec. 9 of this Act;

10 (7) a license issued or renewed as a wholesale license under former  
11 AS 04.11.160(b), repealed by sec. 150 of this Act, into a limited wholesale brewed beverage  
12 and wine license under AS 04.09.110, added by sec. 9 of this Act;

13 (8) a license issued or renewed as a beverage dispensary license under former  
14 AS 04.11.400(d), repealed by sec. 150 of this Act, into a beverage dispensary tourism license  
15 under AS 04.09.340, added by sec. 9 of this Act;

16 (9) a duplicate license issued or renewed as a duplicate beverage dispensary  
17 license under former AS 04.11.090(e), repealed by sec. 150 of this Act, into a multiple fixed  
18 counter endorsement under AS 04.09.420, added by sec. 9 of this Act.

19 (b) Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic  
20 Beverage Control Board may

21 (1) convert a license issued or renewed as a brewery license under former  
22 AS 04.11.130, repealed by sec. 150 of this Act, into a brewery manufacturer license under  
23 AS 04.09.020, added by sec. 9 of this Act, and a brewery retail license under AS 04.09.310,  
24 added by sec. 9 of this Act, upon application by the licensee;

25 (2) convert an application submitted to the board that meets all of the  
26 requirements under former AS 04.11.130, repealed by sec. 150 of this Act, into an application  
27 for a brewery manufacturer license under AS 04.09.020, added by sec. 9 of this Act, and a  
28 brewery retail license under AS 04.09.310, added by sec. 9 of this Act;

29 (3) convert a license issued or renewed as a winery license under former  
30 AS 04.11.140, repealed by sec. 150 of this Act, into a winery manufacturer license under  
31 AS 04.09.030, added by sec. 9 of this Act, and a winery retail license under AS 04.09.320,

1 added by sec. 9 of this Act, upon application by the licensee;

2 (4) convert an application submitted to the board that meets all of the  
3 requirements under former AS 04.11.140, repealed by sec. 150 of this Act, into an application  
4 for a winery manufacturer license under AS 04.09.030, added by sec. 9 of this Act, and a  
5 winery retail license under AS 04.09.320, added by sec. 9 of this Act;

6 (5) convert a license issued or renewed as a distillery license under former  
7 AS 04.11.170, repealed by sec. 150 of this Act, into a distillery manufacturer license under  
8 AS 04.09.040, added by sec. 9 of this Act, and a distillery retail license under AS 04.09.330,  
9 added by sec. 9 of this Act, upon application by the licensee;

10 (6) convert an application submitted to the board that meets all of the  
11 requirements under former AS 04.11.170, repealed by sec. 150 of this Act, into an application  
12 for a distillery manufacturer license under AS 04.09.040, added by sec. 9 of this Act, and a  
13 distillery retail license under AS 04.09.330, added by sec. 9 of this Act;

14 (7) convert a license issued or renewed as a recreational site license under  
15 former AS 04.11.210, repealed by sec. 150 of this Act, into a sporting event license under  
16 AS 04.09.270, added by sec. 9 of this Act, upon application by the licensee;

17 (8) establish an application form and procedure for conversion applications  
18 under this section.

19 \* **Sec. 156.** The uncodified law of the State of Alaska is amended by adding a new section  
20 to read:

21 **TRANSITION: SEASONAL RESTAURANT OR EATING PLACE LICENSE.** (a)  
22 Notwithstanding AS 04.11.080, the Alcoholic Beverage Control Board may issue a seasonal  
23 restaurant or eating place tourism license to a person who files an application under  
24 AS 04.11.260.

25 (b) A seasonal restaurant or eating place license authorizes a restaurant or eating place  
26 to sell brewed beverages and wine for consumption only on the licensed premises for a period  
27 not to exceed six months in each calendar year.

28 (c) The biennial seasonal restaurant or eating place tourism license fee is \$1,250.

29 (d) The board may issue a license under this section only if

30 (1) the board determines that the licensed premises is a bona fide restaurant or  
31 eating place; and

1           (2) the sale and service of food and alcoholic beverages and any other  
2 business conducted on the licensed premises of the restaurant or eating place is under the sole  
3 control of the licensee.

4           (e) The board may issue a license under this section only in a municipality or  
5 established village that

6                   (1) has a population of 20,000 or less; and

7                   (2) includes a community that receives more than 4,000 visitors a year, as  
8 determined by the Department of Commerce, Community, and Economic Development.

9           (f) The board may issue a license or approve an application for the transfer of  
10 ownership of a license under this section if it appears that issuance or transfer will encourage  
11 the tourism trade.

12           (g) The holder of a seasonal restaurant or eating place tourism license shall ensure  
13 that gross receipts from the sale of food for consumption on the licensed premises are not less  
14 than the total amount of the gross receipts from the sale of alcoholic beverages for  
15 consumption on the licensed premises in each calendar year.

16           (h) The board shall adopt a regulation establishing a formula to limit the number of  
17 seasonal restaurant or eating place tourism licenses.

18           (i) The holder of a seasonal restaurant or eating place tourism license may provide  
19 entertainment on or adjacent to the licensed premises only between the hours of 3:00 p.m. and  
20 11:00 p.m. unless additional hours are approved by the director upon the written request of the  
21 licensee for a specific occasion. The director may not grant approval for additional hours of  
22 entertainment on or adjacent to the licensed premises of an individual licensee more than  
23 three times in a calendar year. In this subsection, "entertainment" includes dancing, karaoke,  
24 live performances, or similar activities, but does not include recorded or broadcast  
25 performances without live participation.

26           (j) A license issued under this section may be renewed under AS 04.09.350, added by  
27 sec. 9 of this Act, on or after the effective date of sec. 9 of this Act.

28       \* **Sec. 157.** The uncodified law of the State of Alaska is amended by adding a new section  
29 to read:

30           TRANSITION: REGULATIONS. The Department of Commerce, Community, and  
31 Economic Development and the Alcoholic Beverage Control Board may adopt regulations

1 necessary to implement the changes made by this Act. The regulations take effect under  
2 AS 44.62 (Administrative Procedure Act), but not before the effective date of the law  
3 implemented by the regulation.

4 \* **Sec. 158.** Sections 30, 34, 36, 42, 46, 49, 98, 133, 151, 156, and 157 of this Act take effect  
5 immediately under AS 01.10.070(c).

6 \* **Sec. 159.** Except as provided in sec. 158 of this Act, this Act takes effect January 1, 2020.