

**CS FOR HOUSE BILL NO. 189(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE HOUSE LABOR AND COMMERCE COMMITTEE**

**Offered: 3/25/24**

**Referred: Rules**

**Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the sale of alcohol; and providing for an effective date."**

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

3 **\* Section 1.** AS 04.09.210(c) is amended to read:

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

5 (1) board determines that

6 (A) the licensed premises is a bona fide restaurant as defined in  
7 AS 04.21.080(b);

8 (B) there is supervision on the premises adequate to reasonably  
9 ensure that a person under 21 years of age will not obtain alcoholic beverages,  
10 **unless the person is employed as permitted in AS 04.16.049(d)**; and

11 (C) it is unlikely that persons under 21 years of age not  
12 employed on the premises will enter and remain on the licensed premises for  
13 purposes other than dining; and

14 (2) sale and service of food and alcoholic beverages and any other  
15 business conducted on the licensed premises of the restaurant or eating place is under

1 the sole control of the licensee.

2 \* **Sec. 2.** AS 04.09.210(d) is amended to read:

3 (d) The board may authorize the holder of a restaurant or eating place license

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

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

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

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

12 (3) subject to AS 04.16.049, to employ or permit the employment of a  
13 person who is at least 16 years of age but under 21 years of age on the licensed  
14 premises if the employer provides adequate supervision to ensure that **an employee**  
15 **who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

16 \* **Sec. 3.** AS 04.09.250(c) is amended to read:

17 (c) The holder of a theater license may sell or serve alcoholic beverages only  
18 in designated areas on the licensed premises and only for **a period beginning two**  
19 **hours** [ONE HOUR] before the event **until one hour after the event** [AND DURING  
20 INTERMISSIONS].

21 \* **Sec. 4.** AS 04.09.360(c) is amended to read:

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

23 (1) the board determines that

24 (A) the licensed premises is a bona fide restaurant as defined in  
25 AS 04.21.080(b);

26 (B) there is supervision on the premises adequate to reasonably  
27 ensure that a person under 21 years of age will not obtain alcoholic beverages,  
28 **except as provided under AS 04.16.049(d)**; and

29 (C) it is unlikely that persons under 21 years of age not  
30 employed on the premises will enter and remain on the licensed premises for  
31 purposes other than dining; 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  
 3 the sole control of the licensee.

4 \* **Sec. 5.** AS 04.09.360(f) is amended to read:

5 (f) The board may authorize the holder of a seasonal restaurant or eating place  
 6 tourism license

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

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

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

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

15 (3) subject to AS 04.16.049, to employ or permit the employment of a  
 16 person who is at least 16 years of age but under 21 years of age on the licensed  
 17 premises if the employer provides adequate supervision to ensure that **an employee**  
 18 **who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

19 \* **Sec. 6.** AS 04.09.450(d) is amended to read:

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

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

24 (2) there is supervision on the premises adequate to reasonably ensure  
 25 that a person under 21 years of age will not obtain alcoholic beverages, **except as**  
 26 **provided under AS 04.16.049(d)**; and

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

30 \* **Sec. 7.** AS 04.09.450(e) is amended to read:

31 (e) The board may authorize the holder of a license with a restaurant

1 endorsement

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

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

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

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

10 (3) subject to AS 04.16.049, to employ or permit the employment of a  
11 person who is at least 16 years of age but under 21 years of age on the premises of the  
12 bona fide restaurant if the employer provides adequate supervision to ensure that **an**  
13 **employee who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic  
14 beverages.

15 \* **Sec. 8.** AS 04.16.049(d) is amended to read:

16 (d) Notwithstanding any other provision in this section **and AS 04.16.050(a)**,  
17 a person 18, 19, or 20 years of age may be employed within the licensed premises of a  
18 hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage  
19 and wine wholesaler, common carrier dispensary, outdoor recreation lodge, or  
20 restaurant, may enter and remain within those premises for the purpose of  
21 employment, **and** [BUT] may [NOT], in the course of employment, sell, serve,  
22 deliver, or dispense alcoholic beverages.

23 \* **Sec. 9.** AS 04.16.049(h) is amended to read:

24 (h) Notwithstanding any other provision in this section, a person under 21  
25 years of age may be present on the licensed premises of a

26 **(1)** common carrier dispensary, destination resort, or outdoor  
27 recreation lodge for the purpose of travel, travel lodging, or outdoor recreation  
28 activities provided by the licensee if the person is

29 **(A)** [(1)] at least 16 years of age; or

30 **(B)** [(2)] under 16 years of age and a parent or legal guardian of  
31 the underaged person consents;

1                   **(2) theater if the person is**

2                               **(A) at least 16 years of age; or**

3                               **(B) under 16 years of age, is accompanied by a person who**  
 4                   **is at least 21 years of age, and a parent or legal guardian of the underaged**  
 5                   **person consents.**

6 \* **Sec. 10.** AS 04.16.052(a) is amended to read:

7                   (a) A licensee or an agent or employee of the licensee may not with criminal  
 8                   negligence

9                               (1) allow another person to sell, barter, or give an alcoholic beverage  
 10                   to a person under the age of 21 years within licensed premises, **except as provided in**  
 11                   **AS 04.16.049(d);**

12                              (2) allow a person under the age of 21 years to enter and remain within  
 13                   licensed premises except as provided in AS 04.16.049;

14                              (3) allow a person under the age of 21 years to consume an alcoholic  
 15                   beverage within licensed premises;

16                              (4) allow a person under the age of 21 years to sell or serve alcoholic  
 17                   beverages, **except as provided in AS 04.16.049(d);**

18                              (5) while working on licensed premises, furnish or deliver alcoholic  
 19                   beverages to a person under the age of 21 years, **except as provided in**  
 20                   **AS 04.16.049(d).**

21 \* **Sec. 11.** AS 04.09.250(d) is repealed.

22 \* **Sec. 12.** This Act takes effect January 1, 2025.