

1 IN THE HOUSE

BY BEIRNE

2 HOUSE BILL NO. 354

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act reducing the age for legal consumption of
7 intoxicating liquors to 19 years of age."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 04.15.020(a) is amended to read:

10 (a) Sale to minors or intoxicated persons. It is unlawful to
11 give, barter or sell any intoxicating liquors, including beer and wine,
12 to a person under the age of 19 [21] years or to an intoxicated person,
13 and it is unlawful for a licensee to permit the giving, selling,
14 bartering or drinking of any intoxicating liquor within the premises
15 covered by a license to or by either of the forbidden classes, nor
16 shall the licensee permit the drinking of hard or distilled liquors by
17 any person upon the premises covered by his license, unless it is
18 permitted under the classification of his license.

19 * Sec. 2. AS 04.15.020(d) is amended to read:

20 (d) Presence of minors on premises. It is unlawful to permit a
21 person under the age of 19 [21] years to enter licensed premises unless
22 the minor is accompanied by his parent, guardian or spouse who has
23 attained the age of 19 [21] years. [HOWEVER, A PERSON WHO IS 19 OR 20
24 YEARS OF AGE MAY ENTER LICENSED PREMISES WHICH ARE ALSO RECOGNIZED AS
25 A RESTAURANT FOR THE PURPOSE OF DINING.] A person under the age of
26 19 years may enter licensed premises which are also recognized as a
27 restaurant for the purpose of dining if accompanied by the parent or
28 guardian of any other minor also present, or with any other adult with
29 the consent of the minor's parent or guardian. The Alcoholic Beverage,

1 Control Board, with the approval of the city council if the premises
2 are within the city or with the approval of the borough assembly if the
3 premises are outside the city but within a borough, shall designate
4 which premises are restaurants for the purposes of this section.

5 Licensed premises are premises holding licenses under AS 04.10.020(a) -
6 04.10.020(d). The Alcoholic Beverage Control Board shall promulgate
7 regulations for the designation of restaurants and the continuation or
8 withdrawal of the designation. No establishment may be designated as
9 a restaurant for purposes of dining without the consent of the licensee

10 * Sec. 3. AS 04.15.060 is amended to read:

11 Sec. 04.15.060. PURCHASE BY MINORS. (a) It is unlawful for a
12 person under the age of 19 [21] years to solicit the purchase of or in
13 any other way to attempt to purchase or otherwise secure any intoxicat-
14 ing liquor. A person violating the provisions of this section is guilty
15 of a misdemeanor, and upon conviction is punishable as provided in sec.
16 100 of this chapter.

17 (b) A person who influences or attempts to influence the sale,
18 giving or serving of intoxicating liquor to a person under 19 [21]
19 years of age, by misrepresenting the age of that person, or who orders,
20 requests, receives, or procures intoxicating liquor from a licensee,
21 employee, or other person, for the purpose of selling, giving, or serv-
22 ing it to a person under 19 [21] years of age, is guilty of a misde-
23 meanor.

24 (c) A person under the age of 19 [21] years who enters a licensed
25 premises where intoxicating liquor is sold and who offers or presents
26 to a licensee or his employee a fraudulent or false certificate of
27 birth or other written evidence of age, which is not actually his or
28 her own, or who otherwise misrepresents his or her age, for the purpose
29 of inducing the licensee or his employee to sell, give, serve, or

1 furnish intoxicating liquor contrary to law, is guilty of a misde-
2 meanor.

3 (d) A licensee or his employee who questions, or has reason to
4 question, whether a person entering upon licensed premises, or order-
5 ing, purchasing, attempting to purchase or otherwise procuring or
6 attempting to procure the serving or delivery of intoxicating liquor,
7 has attained the age of 19 [21] years, shall require that person to
8 sign a statement that he is over the age of 19 [21] years. This state-
9 ment shall be made upon a form prepared by and furnished to the licensee
10 by the board. If a licensee, or his employee, in good faith, secures
11 the signed statement he shall not be subject to criminal prosecution
12 for violation of the provisions of [SUBSECTIONS] (b) and (c) of this
13 section.

14 (e) A licensee, or his employee, who allows to remain upon li-
15 censed premises where intoxicating liquor is sold, a person under the
16 age of 19 [21] years not in company of his parent or legal guardian
17 or spouse who has attained the age of 19 [21] years, or sells, gives,
18 or serves intoxicating liquor to a person under the age of 19 [21]
19 years without having procured the signature of the person upon a state-
20 ment as provided in this section, or who knowingly sells, gives, or
21 serves intoxicating liquor to or allows the person to remain on li-
22 censed premises where intoxicating liquor is sold, is guilty of a
23 misdemeanor.

24 * Sec. 4. AS 04.15.080 is amended to read:

25 Sec. 04.15.080. GIVING OF INTOXICATING LIQUOR TO PERSONS UNDER
26 THE AGE OF 19 [21] YEARS. (a) A person or firm, company, corporation
27 or an employee thereof who sells, barter, gives or delivers to a
28 person under the age of 19 [21] years, any intoxicating liquor is
29 guilty of a misdemeanor, and upon conviction is punishable by

1 imprisonment of not more than one year, or by a fine of not more than
2 \$500, or by both.

3 (b) The term "person" as used in this section does not include
4 a parent as to his own child, a guardian as to his ward or a licensed
5 physician or nurse in giving medical treatment.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29