

Introduced: 4/11/79  
Referred: Judiciary

BY HAYES, BETTISWORTH, FREEMAN,  
MONTGOMERY AND MUNSON

1 IN THE HOUSE

2 HOUSE BILL NO. 454

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of pricing of alco-  
7 holic beverages."

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

9 \* Section 1. AS 04.15 is amended by adding new sections to read:

10 Sec. 04.15.120. FILING OF SCHEDULES OF PRICES REQUIRED. (a) A  
11 distiller or related person may not sell spiritous liquor to a holder of  
12 a general wholesale license unless the distiller or related person has  
13 filed with the Department of Revenue a schedule listing the information  
14 required under (b) of this section and an affidavit supporting that  
15 schedule as required by AS 04.15.130(b).

16 (b) The schedule required to be filed under (a) of this section  
17 shall include the following information:

- 18 (1) the brand name of each spiritous liquor sold;  
19 (2) the capacity of each package of spiritous liquor sold;  
20 (3) the nature of the contents of each package of spiritous  
21 liquor sold;  
22 (4) the age and alcoholic content by volume of the contents  
23 of each package of spiritous liquor sold;  
24 (5) the number of bottles of spiritous liquor contained in  
25 each case;  
26 (6) the bottle and case price of spiritous liquor to whole-  
27 salers; and  
28 (7) the net bottle and case price paid by a distiller or  
29 related person for the spiritous liquor.

1 (c) The information on prices in the schedule required to be filed  
2 under (a) of this section shall be separately stated for each item of  
3 information required and may not be combined with another item of infor-  
4 mation, or stated in terms of a discount for quantity or for time of  
5 payment.

6 (d) The schedule required under (a) of this section shall be in  
7 writing, verified, and filed in the form and according to the deadlines  
8 required by the commissioner of revenue.

9 Sec. 04.15.130. PARITY WITH PRICES IMPOSED ELSEWHERE REQUIRED.

10 (a) A price may not be filed under AS 04.15.120 for a bottle or a case  
11 of a brand of spiritous liquor which is higher than the lowest price at  
12 which the bottle or case of spiritous liquor was sold by the distiller  
13 or related person to a wholesaler in another state, the District of  
14 Columbia, or to a state which owns and operates retail liquor stores, at  
15 any time during the calendar month immediately preceding the month in  
16 which the schedule is filed.

17 (b) A distiller or related person must make an affidavit affirming  
18 that the schedule of prices filed by him under AS 04.15.120 complies  
19 with (a) of this section.

20 (c) In determining the lowest price for which a bottle or case of  
21 spiritous liquor was sold to a wholesaler in another state, in the  
22 District of Columbia, or to a state which owns and operates retail  
23 liquor stores, the commissioner of revenue shall make appropriate reduc-  
24 tions (1) to reflect discounts in excess of those to be in effect under  
25 the schedule filed under AS 04.15.120, and (2) for rebates, free goods,  
26 allowances and other inducements offered or given to a wholesaler,  
27 state, or retailer purchasing the bottles or cases in the other state or  
28 the District of Columbia. However, nothing in this section prevents  
29 differences in price which result from differences in state taxes and

1 fees, or from the actual cost of delivery.

2 (d) If the affidavit required under AS 04.15.130(b) is not filed  
3 with respect to an item of spiritous liquor within the time prescribed  
4 by the commissioner of revenue, the schedule for which the affidavit is  
5 support is invalid with respect to that item of spiritous liquor, and  
6 the item may not be sold to or purchased by a wholesaler during the  
7 period covered by the schedule.

8 (e) As used in this section

9 (1) "state taxes and fees" means the excise taxes imposed or  
10 the fees required by a state or by the District of Columbia upon, or  
11 based upon, a gallon of spiritous liquor; and

12 (2) "gallon" means 231 cubic ounces.

13 Sec. 04.15.140. PRICING IN ACCORDANCE WITH SCHEDULES REQUIRED. A  
14 distiller or related person may not sell spiritous liquor to a whole-  
15 saler at a price or discount other than that stated in a schedule filed  
16 under AS 04.15.120, unless the commissioner of revenue consents in  
17 writing upon a showing of good cause.

18 Sec. 04.15.150. PENALTY FOR VIOLATION. The board may suspend the  
19 license of a licensee who knowingly makes a false statement in an affi-  
20 davit filed in accordance with AS 04.15.130. The suspension may be for  
21 a period not to exceed five days for the first offense and not to exceed  
22 thirty days for each subsequent offense.

23 Sec. 04.15.160. DEFINITIONS. As used in AS 04.15.120 - 04.15.160:

24 (1) "related person" means a person

25 (A) engaged in a business of which a distiller has an  
26 interest, direct or indirect, by stock or other security ownership,  
27 as lender or lienor, or by interlocking directors or officers; or

28 (B) engaged in the exclusive, principal or substantial  
29 business of selling spiritous liquor purchased from a distiller; or

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(C) who has an exclusive franchise or contract to sell a brand or brands of spiritous liquor;

(2) "spiritous liquor" means intoxicating liquor, except for wine, ale, porter, beer or malt liquor or malt beverages and all other vinous, malt, and other fermented liquors intended for human consumption and containing more than one per cent alcohol by volume.

\* Sec. 2. AS 04.15.100(a) is amended to read:

Sec. 04.15.100. PENALTIES FOR VIOLATION OF TITLE OR MUNICIPAL ORDINANCE. (a) A person who violates any provision of this title other than AS 04.15.080 and AS 04.15.120 - 04.15.160 is guilty of a misdemeanor, and upon conviction is punishable by imprisonment of not more than one year, or by a fine of not more than \$500. Each violation is a separate offense.

\* Sec. 3. AS 04.20.010 is amended to read:

Sec. 04.20.010. INTOXICATING LIQUOR DEFINED. As used in this title,

(1) "intoxicating liquor" includes whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended for human consumption and containing more than one per cent alcohol by volume;

(2) "board" means the Alcoholic Beverage Control Board.